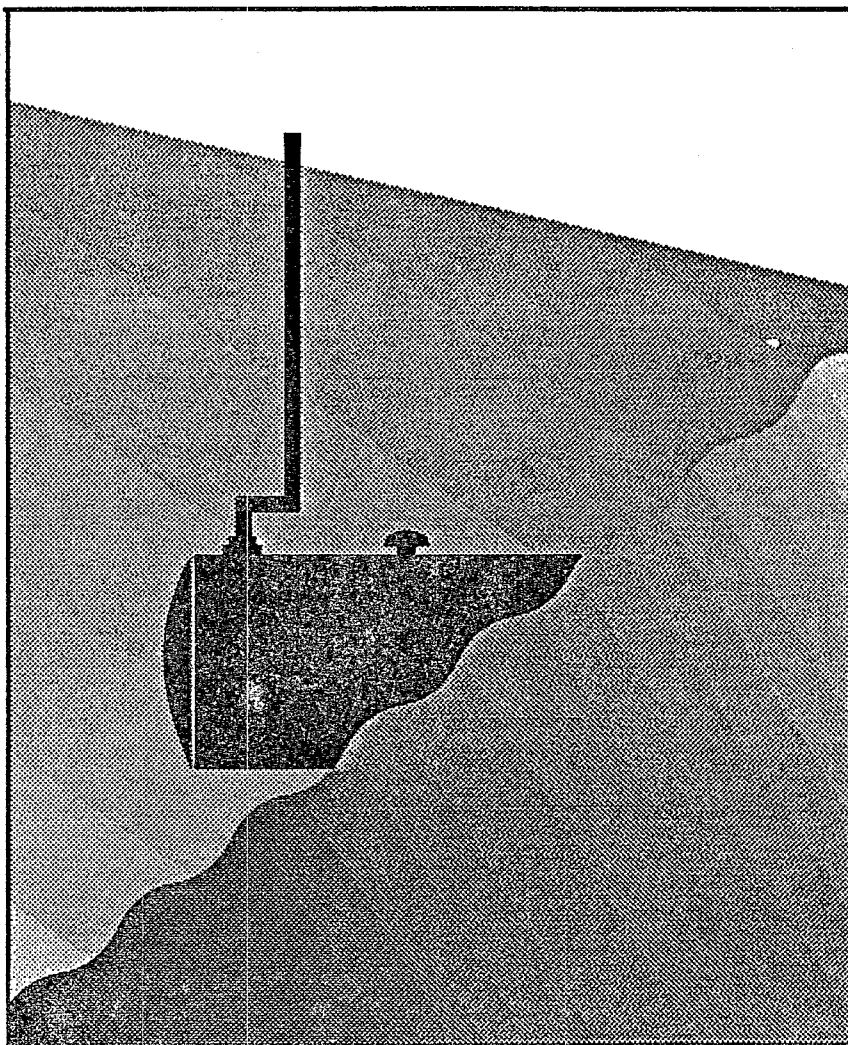




# How to Develop Your Own UST Field Citation Program





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# **How to Develop Your Own UST Field Citation Program**

**U.S. Environmental Protection Agency  
Office of Underground Storage Tanks**

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# *Introduction*

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## **Advantages of a Field Citation Program**

State and local authorities face enormous challenges as they respond to violations of underground storage tank (UST) regulations. Enforcing UST regulations can put considerable strain on staff time and agency resources, due to the large size of the regulated community.

Several state and local agencies have been working with the Environmental Protection Agency (EPA) to develop "expedited enforcement" programs that allow state and local officials to substantially increase their agency's efficiency in responding to UST violations and bring UST owners and operators into compliance with tank regulations. One outcome of this joint effort is this handbook, which was developed as a guide for UST program officials who are interested in developing resource-efficient enforcement programs.

One effective expedited enforcement technique used by a number of environmental programs is inspector-issued field citations for clear-cut UST violations. The term "field citation" defines a class of enforcement documents issued by inspectors in the field and designed to streamline enforcement of health and environmental regulations. Field citations have characteristics similar to traffic tickets: the citation typically addresses a clear-cut violation, requires the violator to correct the violation, often carries a small penalty, and provides for some type of appeal. However, the citation can be one of several legal entities, including a notice of violation, an administrative order, a short-form settlement agreement, or a summons. While field citations are, by definition, issued in the field with a penalty, related procedures include in-field notices (issued in the field but without assessing a penalty) and short-form notices (issued from the office after review of the inspection report).

In contrast to standard enforcement, field citations and these related techniques usually provide resource-effective, on-the-spot enforcement response and remediation, since the violator has a greater incentive to address the cited violation than to contest. The development of a field citation program is the main focus of this handbook, although the suggestions contained in the handbook may also be useful to many UST programs planning general enforcement activities.

Several examples of field citation programs, and the time and resource savings achieved, are described on the following pages.

California's RCRA "Toxic Ticket" Program is a field citation pilot program developed in 1988 to enforce RCRA Class II violations. Class II regulations are the less serious class of RCRA regulations. Before the ticket was developed, "minor" violations took about 592 hours per case of staff time to resolve; after the Toxic Ticket program was instituted, total staff time was reduced to 7 to 10 hours per case. Legal staff effort and court time have been drastically reduced; most of the cases are settled in an informal conference between the inspector and the owner or operator. Officials report a very high compliance rate since instituting the "Toxic Ticket" program.

EPA's Office of Mobile Sources program, in which inspectors issue \$200 citations for fuel dispenser nozzle violations, found that average case completion time was reduced from 3 months to 30 days using field citations, and the number of cases prosecuted in court annually dropped to as low as one to two cases. Prior to instituting the use of field citations, the program had a considerable backlog of enforcement cases. Most cases are now resolved using field citations alone.

Dade County, Florida's Department of Environmental Resources Management's inspectors issue citations for many county code violations, including UST violations. Overall, more than 90 percent of all citation recipients comply after receiving citations, and 75 percent comply within thirty days of receiving the citation. Program directors believe the field citation program provides the Department with high visibility within the regulated community and allows program staff to address a greater number of violations than they would be able to using traditional enforcement techniques.

Province of Ontario, Canada, inspectors have issued Offence Notices in the field to enforce the Provincial Offenses Code since the 1960s (the Code includes UST regulations under the Gasoline Handling Act). In Ontario's experience, 80 percent of the field citation recipients pay the penalty and comply after the first citation. Very few cases end up in court, and the Province has never lost a court case. Previously, the Province had difficulty getting minor violations on crowded criminal court dockets.



District of Columbia inspectors have used Civil Infraction Notices in the field since the spring of 1988 to enforce against a variety of violations of the D.C. code, including some environmental violations. Since the initiation of Civil Infraction Notices, the compliance rate in D.C. has shown a significant increase. In fact, inspectors no longer encounter some of the violations that were the most prevalent before the program began. The District will begin to enforce its UST regulations with Civil Infraction Notices when the regulations are in place.



## **How To Use This Handbook**

This handbook takes the reader through each of the steps involved in designing, setting up, and implementing a field citation program, the tasks that must be undertaken, and the issues that must be resolved. Implementing a field citation program will save time and resources in the long run; however, a commitment of time and resources will be necessary at the initial planning and developing stages. We have assumed that the reader of this handbook will be a program manager or staff member assigned the task of developing a field citation program. Thus, the handbook addresses "you" as the individual responsible for making the decisions and coordinating the implementation of the program.

The handbook discusses each component of a field citation program in a logical order. In practice, however, not all of the steps may be undertaken in the order in which they are presented in the handbook. In fact, depending on your program's resources, many of the tasks can be performed simultaneously. While reading through this handbook, make a mental note of those tasks that can be undertaken concurrently. Other tasks cannot be addressed until one or more previous steps have been accomplished; the discussion in the handbook attempts to delineate which tasks require one or more prior tasks to be completed before they can be addressed.

In addition to outlining the steps that should be taken to develop a successful program, the handbook may also help you determine if a field citation program is suitable for your agency or department. Once you have made this determination, the handbook should assist you in establishing a field citation program as smoothly as possible. If field citations are not for you, the examples describe a variety of streamlined enforcement techniques that might be valuable for any UST program faced with the problem of how to enforce UST preventive requirements.

The handbook is divided into three major sections: (1) designing, (2) setting up, and (3) implementing a field citation program. In the back of the handbook are appendices with tools that will help you set up your program: a list of program managers who currently use or are initiating field citation techniques in their enforcement programs (these individuals are members of the Office of Underground Storage Tanks' Field Citation Workgroup and are available to answer any questions you may have about developing a field citation program); sample short-form wordings of federal regulations; sample field citations; and general information materials, including descriptions of the EPA Office of Mobile Sources, Province of Ontario, Canada, and Dade County, Florida field citation programs.



# *Designing Your Field Citation Program*

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## **Establish Goals and Objectives**

Once you have decided to implement a field citation program, one of the first steps you and your staff must take is to establish goals and objectives for the program. Take the time to decide what you want the program to accomplish and how best to design the program to meet those goals. As it may take time to fully develop a citation program, it will be helpful to have clear goals and objectives in mind to guide you during the design and planning stages to ensure that the program accomplishes what your agency desires.

Some issues to consider:

- How extensive will your citation program be? Do you want to cite a few prevalent violations or will citations cover as many violations as possible? The direction your agency chooses will affect nearly every facet of the program: how you design the citations, the staffing and resource requirements for the program, and the community outreach the program will require.
- How will the field citation program fit in with other enforcement activities? What do you expect to achieve by adding the field citation component to the overall enforcement activities of the program? How should you design the program so that these objectives are met? How will you measure the success of the program in meeting these objectives?
- How will your agency implement the citation program? Do you want to begin citing all possible violations immediately, increase the number of violations cited over time, or issue warnings for a period before attaching penalties to the violations?
- What role will the inspector play in issuing the citations? Will inspectors issue citations only or will they have broader field responsibilities, such as scheduling hearings? Will the number of citations an inspector can issue at one site be limited to a maximum number? Will inspectors be instructed to use standard enforcement techniques rather than field citations if they encounter more than the maximum number of citable violations? Will inspectors have the discretion to issue warnings in some circumstances in lieu of a citation? Decisions about these issues will affect how you design the citations and the number of citations you print initially.
- Will all of your inspectors issue citations? Will only experienced inspectors issue citations at the outset, or will all of your inspectors be involved with the new program from the beginning?

## *Designing Your Field Citation Program*

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- How will you evaluate the program? What type of information will you need to evaluate the success of the citation program? Appropriate program measures and evaluation tools should be identified at the outset of the program. This will assist you in making any necessary changes, in demonstrating success to agency directors, the state legislature, county boards, the press, and the public, and obtaining funding. You should develop ways to keep evaluation a priority when current work is pressing.

As you can see, there are many issues you will need to consider before undertaking the tasks of designing, setting up, and implementing a field citation program. Defining clear goals will help you to develop the most effective field citation program possible.

## **Determine Options For Administrative Authority**

Determining whether your agency has administrative authority and/or administrative penalty authority is important to the design of your citation program. While it is not necessary to have these authorities in order to implement a field citation program, you should determine what type of authority, if any, your program has so that you can design your field citation program appropriately. A staff member can determine the scope of your agency's authorities by checking applicable statutes; your agency's counsel or the State Attorney General's office should be able to help you.

An agency with administrative authority is authorized to issue administrative compliance orders for violations of UST regulations. Owners or operators are legally obliged to comply with the orders within a specified time period. An agency with administrative penalty authority can assess civil penalties commensurate with the seriousness of the violation. In other words, administrative penalty authority allows a state or local government agency to issue administrative orders for violations of UST regulations and attach a civil penalty to them. Programs that have administrative penalty authority often issue citations for UST violations that are administrative orders, issued for relatively clear-cut and minor violations and accompanied by a relatively small penalty of \$50-\$500.

Agencies that currently lack administrative authority have two options: they may elect to issue alternative citations, such as warnings or short-form settlement agreements, expecting that recipients will comply because of the threat of further enforcement actions, or choose to obtain the authority to issue orders which require owners or operators to correct violations. Warning citations (i.e., no orders or penalties are attached) can be an effective compliance and enforcement tool. Most of us who have been issued a warning (for exceeding the speed limit, for example) recognize its significance, and respond accordingly. You may find your program can increase compliance with UST regulations if inspectors issue warnings only, since citation recipients are likely to realize that more severe enforcement actions will result if they do not bring their tank systems into compliance.

If your agency has administrative penalty authority, you can proceed with establishing a field citation program by designing penalty-imposing citations. If your agency does not have penalty authority, you can develop a citation program that does not impose penalties. For example, you could issue non-penalty administrative order citations, warning citations, or an alternative type of citation that does not depend on penalty authority, such as a short-form settlement agreement in the form of a citation. (This issue is covered in the following "Choose Penalty or No Penalty" section.)

Both administrative authority and administrative penalty authority must be granted by the state legislature, the county board or commission, or the city council. Some legislative bodies might be reluctant to grant penalty authority to an administrative agency; in other cases, the Attorney

General's office might prefer to retain the role of requesting the court for judicial penalties. In addition, obtaining authority through a state legislature can be a long process. Thus, it is important for you to design your field citation program to allow you to proceed with the resource-saving enforcement efforts without being hindered by obtaining authority. Later sections will demonstrate that it is not necessary to wait until your program has been granted the proper authority before you start developing a field citation program.

State of California RCRA "Toxic Ticket" Program had the authority to assess an administrative penalty. In order to develop a citation program, officials simply streamlined the corrective action order and penalty procedures into a field citation process. If a recipient disputes a citation, the inspector schedules an appeal of the order and complaint on the spot. If the recipient corrects the problem and pays the penalty, the Toxic Ticket has the same effect as an administrative penalty.

EPA Office of Mobile Sources issues citations that are modified settlement agreements and offer a fixed fee as part of the settlement. Thus, recipients can choose to correct violations and pay the modest penalties or subject themselves to traditional enforcement procedures and fines that can be as high as \$25,000 per violation. If a recipient ignores a citation, he or she risks prosecution and paying a considerably higher penalty.

West Virginia RCRA Program had the authority to assess administrative penalties. However, the program initiated emergency legislation to revise the penalty structure to levels appropriate for field citations (up to \$7500 per site). Although this was done on an emergency, non-permanent basis, West Virginia will go through standard channels to have permanent legislation developed.



One program's experience demonstrates the difficulty of obtaining authority from a state legislature and the creative ways to proceed with developing a program while awaiting legislative action:

**State of Delaware** UST program submitted a bill to its legislature to be granted authority to issue citations that impose administrative penalties for minor UST violations, but which assess less than a thousand dollar penalty on the recipient. Although the bill authorizing the field citation program had passed the environment committee and one house of the legislature, the voting session expired before the second chamber could vote on the bill and the bill died. Delaware plans to issue warning citations for a limited number of violations until the bill is addressed in the next legislative session. When the legislation is passed, the regulated community will have been given ample warning that a citation program is in place and will not be surprised when penalties are imposed.



## **Choose Penalty or No Penalty**

One of the choices you will need to make when establishing a field citation program is whether to issue citations that impose penalties. Citations without penalties may be administrative orders requiring correction of a violation or simple warnings informing the owner or operator that a violation will be subject to more serious enforcement activities if not corrected.

Agencies with administrative penalty authority may issue citations with or without penalties. Some programs with the authority to issue penalties introduced the new field citation program by issuing field citations that require compliance but do not carry penalties for a fixed period of time (e.g., six weeks or three months). The programs then imposed penalties after the fixed introductory period is over. The non-penalty introductory period allowed the program to inform the regulated community about the use of field citations and allowed the owners and operators time to adjust to the new citation process.

Alternatively, some states and localities with administrative penalty authority issue warnings throughout the life of their field citation programs. In some cases, the citations may be "warnings," without penalty or order for compliance. If simple warnings are used, owners and operators are made aware that compliance orders, with penalties, will be issued and penalties imposed if the violation continues. In other cases, inspectors may issue non-penalty orders for compliance to owners and operators initially and follow up with penalty-imposing orders if violations are not corrected within a specified time period.

Agencies without administrative penalty authority will not be able to issue citations that impose fines. If your agency does not have penalty authority, you will need to develop a citation program that does not impose penalties. For example, you could issue non-penalty administrative order citations that require the owner or operator to correct the violation. Some field citation programs have found that compliance increases simply by using warning citations. A useful technique for increasing compliance is requiring the violator to submit evidence of compliance within a fixed period of time. As in the case of a fine, this requirement imposes a burden on the violator to directly respond to the citation.

The steps involved in developing a non-penalty field citation program for UST violations are essentially the same as those for a penalty-imposing program, except obtaining administrative penalty authority, assigning penalty amounts to citations, collecting penalties, and, perhaps, establishing a formal appeals procedure.

**District of Columbia:** The Office of Civil Infractions initiated the field citations program in the Office of Civil Infractions with a three-month "warning period." The citations issued during the warning period were administrative orders requiring compliance, but they did not impose a penalty. The inspectors provided the owners and operators with informational material about the new program during inspections. At the end of the warning period, inspectors issued citations with penalties.

**Dade County, Florida:** Inspectors initially issue warning citations to owners and operators for violations. The warning citations require recipients to correct violations within a specified time period. Facilities are reinspected at the end of the period and if the violations have not been corrected, citations with penalties are issued.

**Province of Ontario, Canada:** Inspectors issue only penalty-imposing citations; the citation program has been in existence since the 1960s and the regulated community is familiar with it and their responsibilities under the regulations. Inspectors do not issue non-penalty or warning citations.

## **Consider Appropriate Authority for Inspectors**

Delegation of enforcement authority to inspectors may be an issue for some programs. You should take the time to check with your legal staff and agency administrators to ensure your program is able to delegate enforcement authority to inspectors. For many programs, there will be no problem delegating authority; some programs, however, may encounter barriers to allowing inspectors to issue field citations. For example, there may be legal barriers to delegation or agency policy may preclude low-level officials from making enforcement decisions or assessing penalties.

In cases in which the proper authority can not be delegated to inspectors, you should explore creative solutions that will enable your inspectors to issue citations in the field. For example, if the signature of a program administrator is required on every enforcement action taken, a program may wish to design a citation with the signature of the authorized program administrator stamped onto the citation. Inspectors can simply countersign the citation to demonstrate that they were on site. Alternatively, inspectors can simply leave informal checklists or inspection forms on site in lieu of citations and return to the office where a program official with enforcement authority can issue citations by mail after the inspection. The citation can be streamlined so that the inspector can process the documents for expeditious review and action. Finally, a simple warning citation may serve to increase compliance with the regulations but not require that field inspectors have enforcement authority delegated to them.



# ***Setting Up Your Field Citation Program***

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## **Determine Which Violations Will Be Cited**

In field citation enforcement programs, inspectors must use their judgment to determine whether an UST is in violation of regulations and, if so, whether to issue a citation to the owner or operator. Thus, field citations are typically used to address clear-cut violations, at least in the early stages of the program. Determining which violations are appropriate for citations requires an objective look at your UST regulations. Clear regulations, which involve little subjective judgment, make it easier for inspectors to determine whether an UST owner or operator should receive a field citation or be subject to more serious enforcement actions. For example, the following violations could be easily determined:

- "Failure to display a current tank registration certificate or operating permit"; or
- "Failure to install an overfill protection system."

However, some violations may be complex, open to subjective interpretation, or not easily verifiable. For example, field citations may be an inappropriate means of enforcement for the following violations:

- "Failure to install release detection devices in accordance with manufacturer's instructions"; or
- "Failure to meet requirements for exemption from piping cathodic protection."

Finally, violations that present an immediate threat of serious harm to human health and the environment should not, in general, be addressed with field citations. These violations require more serious enforcement actions that mandate immediate action on the part of the owner or operator.

Inspectors, as well as administrative personnel, will perform their jobs most effectively if violations to be cited are defined in a clear and consistent manner. Your agency can also be relatively confident that UST owners and operators will understand their responsibilities for correcting violations promptly if each violation is clearly defined.

As the program matures, you may find that violations not included in your original list are suitable for field citations, and that your inspectors have become accustomed to the citation process and will feel comfortable issuing field citations for a greater variety of violations.

**Suffolk County, New York** plans to issue field citations for nearly all possible violations of their UST regulations, but will initiate the program by citing only 20 violations. The program directors plan to increase the number of violations cited as the program matures.

**Province of Ontario, Canada** issues field citations for nearly all possible violations of the Gasoline Handling Act.

**Dade County, Florida** issues field citations for a few clear-cut UST violations and takes stricter enforcement action in the event of emergencies or major violations beyond the scope of the field citation program.



## **Develop Short-Form Wordings of Violations**

Short-form wordings are abbreviated phrasings of violations that clearly identify the violations and yet are simple enough to be recorded quickly and consistently on field citations. These abbreviated phrasings can be thought of as "short-hand" for inspectors.

- The most clear and straightforward short-form wordings are those phrased in terms of how the owner or operator has violated the regulations (e.g., "failure to install adequate number of monitoring wells").
- You should review your regulations and develop short-form wordings for each section that you wish to have enforced using field citations.
- It is useful for inspectors to have a list or handbook of short-form wordings to carry with them on inspections for reference purposes and to ensure consistency.

Developing short-form wordings can be a time-consuming process. Do not underestimate the time that it may take you to complete this task.

EPA's Office of Underground Storage Tanks has developed a partial list of short-form wordings of violations based on federal UST regulations. This list is included in the back of the handbook in the "Short-Form Wordings" section and may be used as guidance when preparing short-form wordings for state or local regulations.



## **Establish Penalties for Violations**

If your field citation program will include penalties, you need to consider the most appropriate penalty system. A violation of a traffic regulation typically carries a penalty that is based on the seriousness of the specific violation or the category to which the violation belongs. For example, parking in a no-parking zone might carry a penalty of \$20, whereas travelling the wrong way on a one-way street might carry a \$75 penalty. Similarly, each violation or category of violations in a field citation program must be assigned a corresponding penalty amount. Generally, each violation carries a set, pre-determined amount and inspectors do not have the discretion to negotiate penalties with recipients. This makes the field citation process faster and easier for inspectors and recipients will be less encouraged to challenge inspectors about penalties.

You should set penalties that will be high enough to catch the attention of owners or operators and result in a relatively high compliance rate. If penalties are too high, owners or operators may deem it worthwhile to appeal the citation rather than pay the fine. Several UST programs have had a high success rate in penalty collection by imposing relatively low penalties (from \$20 to \$100), which can then be doubled or tripled for cases of continuing noncompliance. In addition, most programs have categorized violations according to seriousness and set penalties accordingly.

Penalty amounts corresponding to UST violations differ from program to program. You need to determine what level of penalty will be "acceptable" for your program. Staff of local programs that impose civil penalties for violations of codes or regulations, such as building code administrators or police department personnel, might be able to advise you on penalty levels. They can give you an idea of how the level of the penalties affects the receptiveness and responsiveness of the regulated community. You should also determine whether to establish a ceiling on the total dollar amount of penalty fines that may be assessed at one site. If cumulative penalties at one site surpass this amount, you may wish to employ more serious enforcement methods against the violator. You will also need to determine how you will increase the penalty amount if an owner or operator does not respond to the initial citation (for example, a doubling of the original penalty for late payment or continuing noncompliance).

A major issue related to using penalty citations is deciding where the penalty monies will be directed, such as to the agency or a general state/local treasury. In many programs, there is a set procedure for collecting penalties. You should check with a budget officer or agency director to determine whether the penalties collected will go to a general fund or will be directed to or collected by your agency. If the monies are collected by the agency itself, the program may be perceived by the public as a revenue generator and the matter will need to be handled delicately in outreach efforts.

**Dade County, Florida:** UST violations incur either a \$50 or \$100 standard penalty, depending on the nature of the violation. These amounts will be increased by \$50 in the 1990 fiscal year. The penalty monies go into a general county fund. Penalties for owners or operators double after 30 days of non-compliance.

**Suffolk County, New York; the Province of Ontario, Canada; and the District of Columbia:** These programs issue citations with penalties that range from \$50 to \$500, depending on the severity of the violation.

## **Establish An Appeals Procedure**

All enforcement programs must establish a procedure to allow the owner or operator to appeal. An appeals procedure need not be formal; it could be as simple as an informal conference to discuss the field citation. However, more formal appeals procedures using administrative law judges (ALJs) or hearing officers to hear cases in a court-like setting may be appropriate for your program.

The potential resources and the scope of your program will help to determine what type of appeals process will work most effectively for your program. Generally, informal procedures are less resource-intensive than formal hearing procedures. Also, non-penalty citations are less likely to require formal appeals procedures. Even if you must provide an opportunity for a formal appeal, an opportunity for a preliminary informal appeal may short-circuit formal appeals, especially where clear-cut violations are cited. Two common procedures for informal appeals procedures are outlined below.

- Informal conference. The owner or operator may request an informal conference with the inspector and/or a program official. The owner or operator presents his or her case and contests the citation and/or penalty. You may wish to use the conference as a first step to allow violators to plead their cases without entering a more cumbersome formal appeals process. During these informal conferences, you may require owners or operators to pay the penalty fee, or you may reduce penalties under certain circumstances. Usually, each inspector or supervisor sets aside a certain day (every week or once a month, for example) to conduct informal conferences. Owners or operators are then informed on site what days are available for appeals conferences.
- Adjudication by mail. The owner or operator may request adjudication by mail when issued a citation. The owner or operator presents his or her case in writing and includes any evidence, then mails the materials to the agency. Program staff or legal staff review the case with the inspector and notify the owner or operator of the decision by mail. As in the above case, you can structure the procedure as a first step to avoid a formal appeals process, or as a serious proceeding for reexamining evidence. Adjudication by mail would be useful in jurisdictions where owners and operators could find it difficult to travel to the agency office for an informal conference or formal appeal.

More formal appeals processes usually involve hearing officers, hearing review boards, or ALJs. In these court-like procedures, hearings are scheduled in a manner similar to a court docket and both parties (owner or operator and inspector) present their cases in front of a hearing officer or ALJ. If you institute a formal appeals process, you should work with your legal staff when you are planning the structure of the process. You may be able to take advantage of an existing

## ***Setting Up Your Field Citation Program***

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environmental review board or hearing system in your department or agency; if not, you should be prepared to hire the staff necessary to run the appeals process (ALJs or other officers, clerks, court reporters, etc.).

Information for owners and operators on how to request a hearing and/or when and where to appear should be printed on citations. Hearing or court dates can be scheduled by an inspector on site, at the time an inspector issues a citation to an UST owner or operator. Or, an owner or operator can request a hearing by mail or by telephone after receiving a citation. For scheduling informal conferences, one option is for administrative staff and inspectors to develop a schedule for each inspector to be assigned one morning or day per week for conferences. Keep in mind that the hearing/conference schedule you decide on at the outset may have to be adapted to accommodate a changing number of appeals.

**Suffolk County, New York:** The Suffolk County citation will allow three options for citation response: (1) pay the penalty and waive rights to an appeal; (2) admit the violation but contest the penalty using adjudication by mail; (3) deny the violation and request an appeal. The Commissioner for the Department of Health will appoint a hearing officer to review appeals and the appeals will be scheduled on days set aside for this purpose. Owners and operators will be notified of their hearing date by inspectors when they issue citations.

**Dade County, Florida:** Laymen were appointed to hear appeals from the field citation program. Inspectors schedule hearing dates on site at UST facilities, carrying calendars with them to inform owners and operators of the dates by which penalties must be paid or, alternatively, appeals heard.

**District of Columbia:** Citation recipients may request hearings to deny charges or admit to charges with an explanation. Hearings are scheduled by administrative personnel at the Office of Civil Infractions and conducted by an ALJ in a court-like setting.

**Bureau of Air Resources of the City of New York:** The comprehensive citation program, similar to the District of Columbia's, requires recipients to pay assessed penalties before scheduling appeals.

**State of California RCRA "Toxic Ticket" Program:** Informal conferences are scheduled by inspectors in the field when they issue citations. Recipients can argue their case at the informal conference or request a formal hearing. Program officials state that most appeals are resolved during the informal conference stage and rarely go to a formal hearing.

## **Design Field Citations**

Field citations often resemble traffic tickets in format. Whatever format you choose, the field citation should contain information that will assist UST owners or operators in understanding their responsibilities and should be easy for owners and operators, inspectors and administrative staff to use. When designing your field citation, you should consider the information the citation must include, the format that best captures this information, and the actual production of the citations.

Your citation should include information that explains where the recipient should send penalty monies, how to arrange an appeal, and how to contact the program office. The citation should have spaces for inspectors to record all information necessary to document inspections, including the owner or operator's full name, address, telephone number, the date and time citations are issued, the regulation(s) violated, and perhaps the inspector's notes concerning the inspection. The citation can serve both as an enforcement tool and as a record of what occurred during the inspection. Suggestions regarding citation design include:

- Design multiple-copy citations.
  - Copies should be designated for specific parties (UST owner or operator, UST program office, penalty-collection department, etc.).
  - Copies for different parties may require different designs in order to explain relevant information to the appropriate parties (e.g., the back of the recipient's copy may contain information regarding where to send penalty money while the back of the inspector's copy may contain space for notes and observations).
- Be certain consecutive tracking numbers or bar codes and all information concerning the responsibilities of citation recipients are printed on the citation.

You will also need to decide who will print your citations and how many you will need to order. You may want to order a modest number initially, because your inspectors may have suggestions on how to improve the design after they have used them for a while.

All of the citations described on the following page are printed on non-carbon reproducing paper to facilitate creating copies. Samples of all these citations are included in the "Sample Field Citations" section in the back of this handbook.

**EPA's Office of Underground Storage Tanks:** OUST has developed a field citation as an example for State and local programs that may be developing UST citations.

**District of Columbia:** Citations include space to list up to four violations by violation code name and the total penalty amount. The inspector fills in the facility name and address, owner or operator's name, and license or permit numbers. The citations include exact instructions for recipients and copies each for inspectors, recipients, and administrators. Recipients check a box to admit the violation, admit with explanation, or request a hearing. The back of each copy of the citation contains information relevant to the specific recipient (e.g., the inspector's copy includes space for notes on the inspection).

**Province of Ontario:** The field citation has directions in both French and English to accommodate the language differences in the jurisdiction, and includes space for administrators to keep record of progress in court cases. The citation is a record of the case for both the recipient and the administrator. (Instructions to the recipient given in both English and Spanish may be useful in some programs.)



## **Develop a System to Track Status of Citations Issued**

You should develop a "tracking system" to help monitor the status of field citation cases. All data pertinent to ensuring efficient and timely follow-up needs to be tracked: the date a citation was issued, to whom it was issued, the date the penalty is due/paid, the date on which a hearing is scheduled/was held (if applicable), the outcome of the hearing, the date a reinspection is scheduled, date that the self-certification of compliance form is due/received, and other information you want to track.

Having a well-designed tracking system that has complete and easily accessible information is essential if you expect your citation program to run smoothly and efficiently. In addition to tracking the status of penalties or enforcement actions, a well-designed system will facilitate compiling summary data for evaluating the success of your field citation program.

You will need to determine the most efficient method of recording citations for your program. Field citations can be recorded by computer input (with or without special software), by hand into a logbook, or by a combination of these methods. The size of your regulated community and the estimated volume of citations issued will determine whether you will need a special computer program, or whether alternate tracking methods will suffice. Some programs have already developed tracking systems, and there is commercial software available that may be adaptable to the requirements of your system. Other tracking systems already in operation in your agency or state may be adaptable to the UST field citation program.

As you develop a tracking system, you should consider the following actions:

- Establish procedures for obtaining data from all personnel, including inspectors, legal staff, and administrative staff.
- Establish a communication procedure with the penalty collection department staff to ensure that you are kept informed of the status of penalty payments.
- Decide what kind of tracking code you will use. (Most programs use a consecutive numbering system, but computer bar codes are used in the jurisdictions which rely heavily on citations.) These tracking codes will need to be printed on the citations.
- Decide who will be responsible for entering the data and updating it; you may need to hire additional staff for this purpose.

Province of Ontario, Canada, and the District of Columbia cite violations in many code areas and thus have computer tracking systems that help to organize the large volume of information. The District's Office of Civil Infractions purchased a special software package designed to track court cases and adapted it to the field citation program. The computer program has numerous fields and can generate relatively complex statistics, but it is also user friendly. The District uses computer bar codes to identify each citation.

Dade County, Florida had an in-house programmer develop a simple data tracking system in an R-base personal computer database package. Citations are numbered for identification. Dade County uses their data-base to track the status of enforcement cases and to "flag" violations which require follow-up activities.

## **Determine Staffing Needs**

If you have an UST enforcement program already in place, with inspectors and administrative and legal staff, you may find that your current staff, with some training, can assume the responsibilities associated with field citations and that you need only shift responsibilities or redefine job descriptions. If you are just starting an UST enforcement program, however, you will need to hire and train new staff. It may be difficult to determine exactly how many new staff you will need to run the field citation program; once the program becomes operational, you will have a better idea of the level of effort required to maximize efficiency. You must decide what positions you need to fill and the number of staff you need for each position. Positions may include:

- Inspectors to determine violations, issue citations, and perform follow-up inspections.
- Data entry personnel or computer operators to run a tracking system. If you do not already have a computer programmer on the staff, you may want to hire one temporarily to create a special tracking program, or hire a permanent employee to create and maintain a tracking system.
- Administrative staff to process and track citations, collect penalties, and respond to calls from owners and operators and others requesting information about the program.
- Legal staff for scheduling and assisting with hearings or court appeals.
- A hearing officer or administrative law judge.
- Training staff or a training consultant to design and/or deliver training.

You could choose to have current staff assume the new responsibilities, or, if possible, borrow staff from other departments to help out temporarily while you are getting the program off the ground. Note that one advantage of a field citation program is that it is an expedited enforcement process. Staff that previously spent considerable time processing cases using traditional enforcement procedures may have more time available when a field citation program is implemented.

In order to facilitate changes in duties, engage the services of a technical writer or editor, if feasible, for the specific purpose of developing program guidance documents that will be used to train inspectors and other staff. You may also want to update job descriptions in your personnel office.



## **Hire and Train Staff**

Field citation programs are designed to maximize enforcement resources. If inspectors are able to address and resolve a class of violations at the scene, not only inspector time, but legal, supervisory and administrative resources are conserved for other enforcement or program purposes. Consequently, adopting a field citation program will not in general require hiring additional staff. However, especially for new programs, key roles such as inspectors and appellate reviewers might need to be hired or borrowed from within the agency.

Since the field citation will create new duties and responsibilities, you will need to train new or existing staff. You will need to plan introductory training for all staff, to make certain that everyone understands the new program, and more intensive training for those who will play major roles. Field inspectors especially will require formal training. Inspectors will have the most contact with the regulated community and their conduct in the field will be a significant factor in how your field citation program is received by the regulated community. It is crucial that inspectors be consistent in citing violations, so that the regulated community knows what to expect from the program. Training inspectors will ensure that violations are cited consistently.

Some suggestions to keep in mind when designing staff training:

- Provide different levels of training. Training for new staff may need to be longer and more comprehensive than that for current staff already familiar with inspection techniques and enforcement.
- Decide who will deliver the training. UST program staff, experienced inspectors, legal staff, or police academy trainers may be qualified to train inspectors who will issue citations.
- Decide how often to hold training sessions. You may need to hold only one session initially, scheduling others as the program develops and staffing requirements increase.
- Train everyone. Include all staff and management in at least part of the inspector training, if possible, to familiarize everyone with the program.

**Province of Ontario, Canada:** Inspectors are trained at the Police Academy, as their function resembles that of traffic police.

**Dade County, Florida:** The same training course is provided to staff issuing field citations as for any program administered by the agency. Inspectors enforcing different code sections receive uniform general training in issuing citations and enforcement skills. Departmental specifics are taught within each department. Trainers from different program areas teach relevant course sections. For example, an attorney presents information on hearing procedures. Experienced inspectors are often encouraged to help with training. Dade County trainers also issue handouts that contain information on specific procedures inspectors must follow. In addition, Dade County inspectors attend bi-weekly informal training sessions on a variety of issues and skills relevant to their work.

**West Virginia RCRA Program:** Inspectors and supervisors sat down together to review the new procedures for the pilot program. Specifically, supervisors reviewed past NOV cases with which inspectors were familiar. Together the group discussed these cases in light of the new procedures and projected the course that those cases might have taken if field citations had been used.

**EPA's Office of Underground Storage Tanks:** An inspector training course has been developed that is geared toward training inspectors for issuing field citations. The information in the manual is presented in modules so the training can be adapted to fit individual program needs, and is designed to help course coordinators develop the training. The manual is available for state and local use. Additionally, members of the Field Citation Workgroup (listed in the "Getting Help" section) have delivered sections of the training during pilot training sessions. They may be available to assist your program in designing and delivering training. If you wish to obtain a copy of the Field Citations UST Inspector Training Manual or would like more information about instructors from the Workgroup, please contact Jerry Parker of EPA-OUST (see the "Getting Help" section).

**District of Columbia:** Training is conducted on an agency-wide basis. Inspectors enforcing different code sections need the same generalized training to issue citations effectively. Department specifics are handled within each department. Inspectors receive a training manual, which serves as a reference, in addition to a training course that runs from two to three days.

## **Develop Informational Materials for the Regulated Community**

Outreach is a crucial component of any new program. The owners and operators are more likely to be receptive to the field citation program and cooperative if you inform them about the program in advance, and help them understand how they will be affected by it. Outreach and public relation efforts are critical for developing a successful field citation program.

Different informational materials can be used at different stages of the program. For example, before the program becomes operational, you can begin to inform the regulated community about the program through informational materials sent by mail, press releases, and radio and television spots. You also might want to hold public meetings during which the regulated community and other interested parties can ask questions and receive the informational materials before the field citation program begins. Direct contact with members of the regulated community will help ensure that they understand exactly how the citation program will work and are familiar with related rights and responsibilities. After your program is underway, inspectors can hand out fact sheets during site visits to inform owners and operators about the program and any changes that may have been instituted. Your inspectors will benefit from your outreach efforts, as owners and operators will be aware that inspectors have the authority to issue citations.

Outreach efforts will be most effective if you approach the affected parties as partners in this new effort, pointing out the mutual benefits. It is important to have support for your efforts. Suggestions regarding outreach materials include:

- Stress the positive aspects of the field citation program. For example, emphasize that the program will help reduce the administrative burden on the regulated community.
- Provide detailed information about the UST regulations and the citation program. Owners and operators need to understand how they may be out of compliance and how they can react to violations.
- Make the tone of informational materials friendly. Outreach works best when the regulated community is approached as a partner, rather than in a confrontational manner.

You may also want to have inspectors distribute fact sheets during inspections providing information about the program and the effect that it may have on the regulated community.

District of Columbia held over 300 meetings with the regulated community before the field citation program was implemented in order to explain the new program. Program officials produced an eight-minute informational video for use at these meetings that stressed that it is "good business" to comply and explained how field citations will benefit the health of everyone in the general community. They also developed outreach materials to explain the authority of the Office of Civil Infractions, the rights of the regulated community when citations are issued, and the purpose of the citations in terms of the Office's goals. Inspectors distributed these outreach materials during a three-month warning period.

Suffolk County, New York designed a limited outreach program. Because the UST program has been in place for nearly ten years and has had a visible field enforcement presence for several years, the regulated community is familiar with the regulations. Suffolk County designed a limited, but critical, outreach program and warning period to inform owners and operators of the upcoming changes in enforcement procedure. Program administrators did not believe that the shift to field citations would surprise the regulated community; thus their outreach efforts were relatively limited.

EPA's Office of Underground Storage Tanks has developed a sample press release to accompany a field citation program.

Samples of the outreach materials described above are included in the "Informational Materials" section.



# *Implementing Your Field Citation Program*

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## **Conduct Inspections and Issue Citations**

After your program has made all necessary policy decisions, the various program pieces have been put into place, and the staff have been trained, you can begin to put your new field citation program into operation.

The initial program activity is, of course, conducting inspections and issuing citations to owners and operators for noncompliance with UST regulations. By this stage, you should already have decided which violations will be cited, the maximum number of citations inspectors will issue during any one site visit (if there are many violations, more stringent enforcement action may be warranted), and whether inspectors should issue citations for minor violations at all when there are other, more serious problems at a site that require immediate attention. All of these policy decisions should be made ahead of time so that inspectors do not have to make judgment calls while in the field. The more thorough the planning stage and the more comprehensive the training, the better prepared inspectors will be to handle any situation in the field.

When inspectors begin to issue field citations, you will want to make sure they take all the materials they will need to the inspection site. Inspectors should carry the following:

- Field Citations. The tracking staff should keep a record, by code number, of all the citation forms issued to each inspector, and the inspectors, in turn, should be able to account for each citation.
- Calendar. A calendar is useful for scheduling follow-up inspections, and, if applicable, hearings for owners or operators who want to dispute citations.
- Informational materials. Materials concerning the program and the responsibilities of the regulated community should include general information about the UST program, specific information regarding the new field citation program, a phone number recipients may call with questions, and copies of the relevant regulations.
- Contractor List. You may wish to provide your inspectors with a list of contractors that repair and maintain USTs. This list may be of help to inspectors when the owners and operators ask, "how do I correct this violation?" Inspectors should explain that this list does not constitute an endorsement; it is a general information sheet.



## **Coordinate Enforcement and Follow-Up Activities**

To ensure that your field citation program is an effective compliance and enforcement tool, inspectors and staff should follow specific procedures for processing citations. Established follow-up procedures will ensure that no case "falls through the cracks" and coordination of staff efforts will help to ensure that the program is effective. Follow-up activities are critical to maintaining your program's credibility among the regulated community.

Inspectors must make sure they have recorded all the necessary information on the citation and have submitted all completed citations to the appropriate person or department at the end of each workday or workweek. Tracking staff must be sure to enter all pertinent data into the tracking system or citation logbook as soon as possible. Also, the staff maintaining the tracking system needs to update information as appropriate.

The department or staff responsible for receiving the penalty monies needs to notify UST staff when penalties are paid or self-certification of compliance forms are received so the information can be entered into the tracking system database or logbook. The staff responsible for sending out notifications of overdue penalties to nonresponders, if not the penalty collector, also needs this information, as it will indicate if further enforcement activities are warranted. Also, information regarding follow-up inspections or enforcement activities should be routed from the tracking system staff to the inspectors.

**Dade County, Florida:** Information on each citation issued is entered into a database and shared with the department in charge of collecting penalties from owner or operators. The penalty collectors enter information into their database as soon as possible; inspectors are made aware of which owners and operators have not responded to field citations. Thus, each enforcement arm is aware of the other's activities and a coordinated enforcement effort is achieved. In addition, inspectors record dates for follow-up inspections on pre-dated calendars they carry during inspections. Inspectors check their calendars each day to determine if any sites are scheduled for re-inspection.



## **Pursue More Stringent Enforcement Actions, If Necessary**

As field citations may not be appropriate for addressing all violations, there will be circumstances in which the agency will need to use standard enforcement methods and must have the resources to do so. In addition, most field citation programs have established more stringent enforcement actions to follow if an owner or operator fails to pay penalties or correct violations resulting from a field citation. Unless the agency is willing to back up the citations with alternative enforcement measures, the citation program will not maintain credibility.

Usually, a recipient is allowed a specified period of time to respond to a citation, either by paying a penalty or requesting a hearing. If there is no response by the specified date, the agency may pursue further enforcement action. Some follow-up enforcement methods include:

- Multiplying the initial penalty on a daily or weekly basis for unpaid penalties;
- Issuing additional citations for continuing violations;
- Attaching a lien on owner or operator property for unpaid penalties;
- Engaging the services of traditional collection agency for unpaid penalties; or
- Pursuing "traditional" enforcement for uncorrected violations/unpaid penalties:
  - Issuing an administrative order;
  - Assessing a larger administrative penalty than issued with the citation;
  - Seeking a judicial order or penalty.

Check with other enforcement agencies in your jurisdiction; some may have suggestions for alternative enforcement measures.



## **Evaluate Program and Revise As Necessary**

In order to determine if your field citation program is successful, you need to have some method of evaluation. Measures of "before and after" compliance rates, staff time saved, and dollars re-allocated not only assist you in evaluating the effectiveness of field citations for your program, but also provide a powerful promotional tool for the public, state legislatures or county boards, or department administrators. These figures will assist you in demonstrating the effectiveness of your enforcement strategy and planning for future program development.

There are many questions you will need to address in order to develop evaluation criteria. The tracking system will be useful for calculating changes in compliance rates or the number of citations issued. Therefore, the more information that you encourage your staff to collect, the more prepared you will be to fully evaluate the program. Topics to address include:

- How many citations have been issued (for the first six months, year, two years)? How do these numbers compare with pre-program estimates?
- Does the design of the citation work? Are the instructions to recipients clear and complete? Does it provide all the data you need?
- What is the rate of compliance with the citation? Several agencies that currently operate an UST citation program believe that overall compliance has increased because of the "word-of-mouth" information about the new citation program.
- How many cases require follow-up enforcement? Of what type?
- How many citation recipients requested hearings or appeals? How does this compare with projections?
- How much staff time is devoted to the citation program? Has the citation program reduced the time needed to handle enforcement cases?
- Is the staff time devoted to the program sufficient? Is there a need to increase the staff? Should there be a reallocation of staff time?
- How effective is the tracking system? Does the database contain enough information? Is the information being updated often enough?
- Are the procedures for issuing and following up on citations effective? Are there ways to make the processes more efficient?

### ***Implementing Your Field Citation Program***

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Ask your inspectors and administrative staff if they have any suggestions on how to increase the effectiveness of the field citation program. An individual concerned primarily with a particular aspect of the program is in the best position to judge whether that particular component is working effectively.



## *Appendices*

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## Appendix A: Getting Help

Note: The people listed in this section are those who have implemented a field citation program or assisted with program development. They are members of the Office of Underground Storage Tank's Field Citation Program Workgroup. Feel free to contact them for assistance or advice.

### General:

Dr. Jerry Parker  
Office of Underground Storage Tanks  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460  
(202) 475-7263

Ms. Karen Reed  
EPA Region II, Superfund  
26 Federal Plaza  
New York, NY 10278  
(212) 264-6195

### Province of Ontario:

Mr. Al MacIver  
Office of the Fire Marshal  
7 Overlea Boulevard  
Toronto, Ontario M4H1A8  
(416) 965-4851

### District of Columbia:

Mr. Larry Hammond  
Office of Civil Infractions  
613 G Street, N.W., 7th Floor  
Washington, D.C. 20001  
(202) 727-7970

### New Mexico:

Mr. Tito Madrid  
UST Bureau  
New Mexico Environmental  
Improvement Division  
1190 St. Francis Drive  
Santa Fe, NM 87503  
(505) 827-0188

Ms. Shelda Sutton-Mendoza  
UST Bureau  
New Mexico Environmental  
Improvement Division  
1190 St. Francis Drive  
Santa Fe, NM 87503  
(505) 827-2910

### Delaware:

Ms. Kathy Calloway  
Division of Air and Waste  
Management  
Dept. of Natural Resources  
and Environmental Control  
715 Grantham Lane  
New Castle, DE 19820  
(302) 323-4588

### Dade County, Florida:

Mr. John Farina  
Compliance Section  
Dade County Enforcement Division  
Dept. of Environmental Resources  
Management  
801 S.W. Third Avenue, 2nd Floor  
Miami, FL 33130  
(305) 858-0607

Mr. Amando Villanueva  
Storage Tank Section  
Dept. of Environmental Resources  
Management  
111 N.W. First Street  
Miami, FL 33128-1971  
(305) 375-5531

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Suffolk County, New York:

Mr. Jim Pim  
Underground Storage Tank Program  
Suffolk County Dept. of Health Services  
15 Horse Block Place  
Farmingville, NY 11738  
(516) 451-4634

Mr. Alex Santino  
Underground Storage Tank Program  
Suffolk County Dept. of Health Services  
15 Horse Block Place  
Farmingville, NY 11738  
(516) 451-4640

California RCRA Toxic Ticket:

Ms. Jennifer Pruett, Esq.  
Karl Souder & Associates  
1476 St. Francis Drive  
Santa Fe, NM 87501  
(505) 983-4611

Minnesota:

Ms. Beth Lockwood  
Underground Storage Tank Program  
Minnesota Pollution Control Agency  
520 West Lafayette Road  
St. Paul, MN 55155  
(612) 643-3408

Connecticut:

Mr. Scott Deshefy  
UST Enforcement Program  
Connecticut Department of  
Environmental Protection  
122 Washington Street  
Hartford, CT 06106  
(203) 566-4630

Mr. Jacques Gilbert  
UST Enforcement Program  
Connecticut Department of  
Environmental Protection  
122 Washington Street  
Hartford, CT 06106  
(203) 566-4630

## **Appendix B:**

### **Short-Form Wordings of Selected Federal Regulations**

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The following sample short-form wordings for field citations were developed from selected sections of the federal UST regulations. The wordings below provide an example of how a program may develop short-form wordings for its own regulations. These short-form wordings are not developed from an exhaustive list of all sections of the federal UST regulations, but from several sections of the federal regulation that provide a variety of possible violations that could be enforced using field citations.

<b>Regulatory Citation</b>	<b>Violation</b>
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#### **280.20 Performance standards for new UST systems**

280.20(a)(2) No cathodic protection for tank

280.20(b)(2) No cathodic protection for piping

280.20(c) No spill prevention system

280.20(c) No overfill prevention system

#### **280.22 Notification requirements**

280.22(a) Failure to notify agency within 30 days of bringing UST system into use

280.22(c) Failure to identify all USTs on notification form

280.22(e)(1) Failure to certify on notification form that UST system was installed properly

280.22(e)(2) Failure to certify on notification form that UST system is cathodically protected

280.22(e)(3) Failure to certify financial responsibility on notification form

280.22(e)(4) Failure to certify proper release detection use for UST system on notification form

280.22(f) Failure to provide installer certification of compliance with installation requirements on notification form

280.22(g) Failure to notify purchaser of UST system of notification requirements.

**Short-Form Wordings**

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**280.30 Spill and overfill control**

- 280.30(b) Failure to report a spill
- 280.30(b) Failure to report an overfill
- 280.30(b) Failure to investigate a spill
- 280.30(b) Failure to investigate an overfill
- 280.30(b) Failure to clean up a spill
- 280.30(b) Failure to clean up an overfill

**280.31 Operation and maintenance of corrosion protection**

- 280.31(a) Failure to properly operate and maintain corrosion protection system
- 280.31(b)(1) Failure to properly test corrosion protection system
- 280.31(c) Failure to properly inspect impressed current cathodic protection system
- 280.31(d) Failure to maintain records of cathodic protection inspections or testing

**280.33 Repairs allowed**

- 280.33(d) Failure to have repaired UST system tightness tested as required
- 280.33(e) Failure to test UST system cathodic protection system within 6 months of repair
- 280.33(f) Failure to maintain repair records for operating life of UST

**280.40 General requirements for all UST systems (Release Detection)**

- 280.40(a) Failure to provide adequate release detection for UST system
- 280.40(b) Failure to notify agency of indicated release
- 280.40(c) Failure to provide adequate release detection by phase-in date

**280.41 Requirements for petroleum UST systems (Release Detection)**

- 280.41(a) Failure to monitor tank for releases as required
- 280.41(b) Failure to use approved release monitoring method for piping

**280.45 Release detection recordkeeping**

- 280.45(a) Failure to maintain records of release detection monitoring
- 280.45(b) Failure to maintain results of a sampling, testing, or monitoring as required
- 280.45(c) Failure to retain record of calibration, maintenance, and repair of release detection equipment

**280.52 Release investigation and confirmation steps**

- 280.52(a) Failure to conduct tightness test(s) to investigate suspected leak(s)
- 280.52(b) Failure to examine and measure an UST site for suspected leak(s)

**280.70 Temporary closure**

- 280.70(a) Failure to operate and maintain corrosion protection in a temporarily closed UST system
- 280.70(a) Failure to operate and maintain release detection as required in a temporarily closed UST system
- 280.70(b)(1) Failure to leave vent lines open and functioning during temporary UST closure
- 280.70(b)(2) Failure to cap and secure all UST related equipment for temporary closure

**280.72 Assessing the site at closure or change-in-service**

- 280.72(a) Failure to measure for the presence of a release before a permanent closure

**280.74 Closure Records**

- 280.74 Failure to maintain proper closure records





## ***Appendix C: Sample Field Citations***

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State seal _____ Department of _____ (1) _____ Office of _____ (2) _____	Citation Number _____
<b>ON - SITE WARNING NOTICE</b>	
Facility Name: _____	
Address: _____	
Name of Facility Owner or Operator: _____	
<p>On _____ (date) _____, a routine underground storage tank inspection was conducted at the abovementioned facility. Regulations concerning underground storage tanks have been promulgated by the State pursuant to _____ (3) _____.</p> <p>During the inspection, violation of the following requirements were found:</p> <p>Section _____ (4) _____ (5. description of violation) _____</p> <p>Section _____ (4) _____ (5. description of violation) _____</p> <p>To correct the violation, the owner or operator of the abovementioned facility must :          _____          _____          _____</p> <p>This notice of noncompliance is being issued by the Department of _____ (1) _____ in lieu of further enforcement actions at this time, provided that the violation is promptly corrected. However, this notice may be used as evidence that the abovementioned facility has been cited in violation of the _____ (3) _____, and that the owner or operator of the abovementioned facility may be subject to civil penalties of up to \$ _____ (6) _____ for repeated violations.</p> <p>If you have any further questions, you may contact _____ (7) _____ at _____ (8) _____.</p> <p>CITATION SERVED BY:          _____ (9) _____ (10) _____ (11)</p> <p>CITATION RECEIVED BY:          _____ (12) _____ (13) _____</p>	

**EXPLANATION FOR SAMPLE ON - SITE WARNING NOTICE**

- (1) Name of the State Department with enforcement authority for UST regulations
- (2) Name of Office within (1) responsible for implementing UST enforcement procedures
- (3) Specific statutory authority(ies)
- (4) Specific section of the regulation for which a violation has been cited
- (5) Brief description of the violation
- (6) Maximum statutory penalty
- (7) Name of contact at the appropriate Department
- (8) Appropriate telephone number
- (9) Printed name of inspector
- (10) Signature of inspector
- (11) Date
- (12) Printed name of owner or operator
- (13) Signature of owner or operator

DWR-047  
12/88



State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF WATER RESOURCES  
CN 029  
TRENTON, NEW JERSEY 08625

GEORGE G. McCANN, P.E.  
DIRECTOR

NOTICE OF VIOLATION

DATE \_\_\_\_\_

ENFORCEMENT ELEMENT  
BUREAU OF REGIONAL ENFORCEMENT  
TELEPHONE NO. \_\_\_\_\_

PCWS # \_\_\_\_\_ TYPE \_\_\_\_\_ NJPDES # \_\_\_\_\_ TYPE \_\_\_\_\_ RCRA # \_\_\_\_\_  
SUPPLY \_\_\_\_\_ DISCH \_\_\_\_\_  
NAME OF FACILITY \_\_\_\_\_  
LOCATION OF FACILITY \_\_\_\_\_ MUN. \_\_\_\_\_ COUNTY \_\_\_\_\_  
FACILITY REPRESENTATIVE AND TITLE \_\_\_\_\_

You are hereby NOTIFIED that during an inspection of your facility on the above date, the following violations were noted and remedial actions are required:

DESCRIPTION OF VIOLATION/REMEDIAL ACTION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The above noted violations are in violation of the following N.J. Statutes/Regulation, and will be recorded as part of the permanent enforcement history of your facility:

- ☐ New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.) and appropriate Regulations.
- ☐ New Jersey Safe Drinking Water Act (N.J.S.A. 58:12A-1 et seq.) and appropriate Regulations.
- ☐ New Jersey Water Supply Management Act (N.J.S.A. 58:1A-1 et seq.) and appropriate Regulations.
- ☐ New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) and appropriate Regulations.
- ☐ New Jersey Underground Storage of Hazardous Substance Act (N.J.S.A. 58:10A-21 et seq.) and appropriate Regulations.

Remedial action to correct the violations must be initiated immediately. Within five (5) calendar days of receipt of this Notice of Violation, you shall telephone the investigator issuing this notice at the above number with the corrective measures you have initiated to attain compliance. The issuance of this document serves as notice to you that the Department has determined that a violation has occurred and does not preclude the State of New Jersey or any of its agencies, from initiation of further administrative or judicial enforcement action, or from assessing penalties, with respect to this or other violations. Violations of these regulations are subject to penalties of up to \$25,000 per day.

Further enforcement action, which will require a written response, may be issued on these violation(s) and any additional violations found during the inspection.

Violation received by \_\_\_\_\_

Investigator, Division of Water Resources, DEP

White - Original

Canary - Bureau File

Pink - Criminal Justice

Goldenrod - Central File

New Jersey Is An Equal Opportunity Employer



## FRONT SIDE

Department of \_\_\_\_\_ (1) State seal  
Office of \_\_\_\_\_ (2)

**NOTICE OF VIOLATION OF  
UNDERGROUND STORAGE TANK REGULATIONS**

On \_\_\_\_\_ (Date of Violation) Time a.m. p.m.  
At \_\_\_\_\_ (Name of Facility)  
\_\_\_\_\_  
(Address of Facility)

Name of Owner or Operator \_\_\_\_\_  
(circle one)

Formal ID Yes No

Facility License/Permit No. \_\_\_\_\_

As the owner or operator of the above mentioned facility, you have been charged with violation of the \_\_\_\_\_ (3). You must indicate below for each violation listed whether you admit the violation, admit the violation with an explanation, or deny the violation. You have the right to request a hearing.

Code (4)	Regulation (5)	\$Fine (6)
Nature of violation _____ (7)		
<input type="checkbox"/> Admit <input type="checkbox"/> Admit with explanation <input type="checkbox"/> Deny		
Code (4)	Regulation (5)	\$Fine (6)
Nature of violation _____ (7)		
<input type="checkbox"/> Admit <input type="checkbox"/> Admit with explanation <input type="checkbox"/> Deny		
Total fine applicable to the above violation(s) \$ _____ (9)		

**WARNING:** If you do not pay the required fine or request a hearing or an adjudication by mail (see reverse side) within \_\_\_\_\_ (10) days of service of this notice, you will be subject to the maximum penalties permitted by law, and suspension of your license/permit. The fine will double if payment has not been received within \_\_\_\_\_ (11) days.

I personally observed or investigated the violation(s) as noted above.

\_\_\_\_\_  
(Inspector's signature) ID No. \_\_\_\_\_

I hereby acknowledge receipt of this Notice of Violation

\_\_\_\_\_  
(Signature of Owner or Operator)

## BACK SIDE

YOU ARE REQUIRED TO RESPOND TO THIS NOTICE OF INFRACTION WITHIN \_\_\_\_\_ (10) DAYS OF THE DATE OF SERVICE TO AVOID BEING ASSESSED A PENALTY EQUAL TO THE AMOUNT OF THE ORIGINAL FINE. YOU MUST RESPOND IN ONE OF THE FOLLOWING WAYS:

**TO PAY THE FINE AND WAIVE YOUR RIGHTS TO A HEARING:**

- Check the "Admit" box under the violation listed on the reverse side;
- Certify that the violation has been corrected by signing below;
- Make personal check, cashier's check, or money order payable to \_\_\_\_\_ (1) (no cash by mail)
- Print notice number on the check or money order
- Enclose payment with this notice and mail to:
- Department of \_\_\_\_\_ (1)
- Office of \_\_\_\_\_ (2)
- Address \_\_\_\_\_

**TO ADMIT THE VIOLATION WITH AN EXPLANATION:**

- Check the "Admit with Explanation" box under the violation listed on the reverse side
- Certify that the violation has been corrected by signing below.
- Check the appropriate box to request a hearing, choose one of the following methods:

**HEARING:** To request a hearing, choose one of the following methods:

- (a) Mail this completed notice to the Office of \_\_\_\_\_ (2) at the above address;
- (b) Appear in person or by authorized representative, at the Office of \_\_\_\_\_ (2), address, between the hours of \_\_\_\_\_ (13) \_\_\_\_\_.

**ADJUDICATION BY MAIL:** Mail this complete notice to \_\_\_\_\_ (2) at the above address, along with all evidence relevant to your explanation. Failure to submit sufficient evidence of mitigating circumstances may result in failure to qualify for a reduced or suspended fine.

**TO DENY THE VIOLATION:**

- Check the "Deny" box under the infraction listed on the reverse side, and:

**HEARING:** (a) Mail this completed notice to the Office of \_\_\_\_\_ (2) at the above address; or  
(b) Appear in person or by authorized representative, at the hearing office located at \_\_\_\_\_ (address) between the hours of \_\_\_\_\_ (13) \_\_\_\_\_.

You will be scheduled for a hearing and notified of the time, date, and location of the hearing.

**You must complete and sign this certification**

Name (print) \_\_\_\_\_ (14)  
Street address \_\_\_\_\_ (15)  
City \_\_\_\_\_ State \_\_\_\_\_ Zip code \_\_\_\_\_

I hereby certify under penalty of law, that I have received this notice, answered as indicated on the reverse side, and corrected or made substantial efforts to correct the infraction(s) that I have admitted or admitted with an explanation.

Signature \_\_\_\_\_ (16) Date \_\_\_\_\_

**EXPLANATION FOR SAMPLE FIELD CITATIONS**

- (1) Name of the State Department with enforcement authority for UST regulation
- (2) Name of Office within (1) responsible for implementing UST enforcement procedures
- (3) Name of the legislative Act or regulation
- (4) Specific statutory authority
- (5) Specific section of the regulation for which the violation has been cited
- (6) Set penalty for the violation
- (7) Brief description of the violation
- (8) Violator's response options, marked for each violation cited
- (9) Total of set penalties for all violations cited on this form
- (10) Number of days allowed for violator's response to the citation
- (11) Number of days allowed for violator's response to the citation before a late penalty is assessed
- (12) Name of Office responsible for hearing appeals
- (13) Business hours of the hearing Office
- (14) Name of owner or operator
- (15) Address of facility
- (16) Signature of owner or operator



FRONT SIDE

<b>METROPOLITAN DADE COUNTY, FLORIDA</b> <b>UNIFORM CIVIL VIOLATION NOTICE</b> <span style="font-size: 1.2em; font-weight: bold;">08364</span>					
DATE ISSUED	TIME	CODE INSPECTOR NAME	DEPARTMENT & DIVISION	BADGE #	
NAME OF VIOLATOR(S)			FOLO #	REFERENCE	
			REPEAT VIOLATION <input type="checkbox"/> YES <input type="checkbox"/> NO		
MAILING ADDRESS OF VIOLATOR (Street City, State and Zip)					
DOB	SEX	RACE	WEIGHT	HEIGHT	HAIR
DRIVER'S LICENSE #					
THIS NOTICE SUMMONS YOU TO ANSWER THE COMPLAINT THAT ON _____ AT _____ TIME					
YOU COMMITTED A VIOLATION OF SECTION _____ CODE OF METROPOLITAN DADE COUNTY TO WIT					
DESCRIPTION					
AT _____ LOCATION OF VIOLATION					
YOU SHALL					
1. PAY THE CIVIL PENALTY OF \$ _____ ON OR BEFORE _____ DATE					
AND CORRECT THE ABOVE VIOLATION ON OR BEFORE _____ DATE OR					
2. YOU MAY REQUEST AN ADMINISTRATIVE HEARING BEFORE A HEARING OFFICER TO APPEAL THE DECISION OF THE CODE INSPECTOR OFFICE ON OR BEFORE _____					
(SEE INSTRUCTIONS ON REVERSE SIDE)					
FAILURE TO PAY CIVIL PENALTY AND CORRECT VIOLATION OR FILE A REQUEST FOR ADMINISTRATIVE HEARING BY DATES SHOWN SHALL CONSTITUTE A WAIVER OF YOUR RIGHT TO HEARING AND SUCH WAIVER SHALL CONSTITUTE AN ADMISSION OF VIOLATION. EACH DAY OF CONTINUED VIOLATION AFTER THE TIME PERIOD FOR CORRECTION SHALL BE DEEMED A CONTINUING VIOLATION SUBJECT TO ADDITIONAL PENALTY IN THE SAME AMOUNT WITHOUT THE NEED FOR ISSUANCE OF ADDITIONAL CIVIL VIOLATION NOTICE.					
I ACKNOWLEDGE RECEIPT OF THIS CIVIL VIOLATION NOTICE. I UNDERSTAND THAT ACCEPTANCE OF THIS VIOLATION NOTICE IS NOT AN ADMISSION OF GUILT.					
VIOLATOR		DATE		SERVICE: PERSONAL MAIL POSTING	
				08364	
CODE INSPECTOR SIGNATURE		DATE			
<small>115.01-1B</small> <b>CODE ENFORCEMENT COPY</b> <small>MONTPELLIER PRINTING, INC. • (305) 633-2000</small>					

BACK SIDE

<b>INSTRUCTIONS</b> <b>(REVERSE SIDE)</b>
<p>1. PAYMENTS AND REQUESTS FOR HEARING SHOULD BE DIRECTED TO:</p> <p style="margin-left: 40px;">             COUNTY CLERK              CODE ENFORCEMENT, COUNTY CLERK DIVISION              111 N.W. 1st STREET, SUITE 1750              MIAMI, FLORIDA 33128-1981              (305) 375-2333           </p> <p>2. HEARINGS WILL BE SET NOT SOONER THAN 20 DAYS FROM THE DATE OF THE CIVIL VIOLATION NOTICE AND ALL PARTIES WILL BE NOTIFIED AT THE MAILING ADDRESS SHOWN ON THIS NOTICE. NO ADDITIONAL CIVIL PENALTY WILL ACCRUE IF A REQUEST FOR HEARING IS RECEIVED WITHIN 20 CALENDAR DAYS, AS PROVIDED FOR IN SECTION (GCC-5b).</p> <p>3. YOU MAY APPEAR WITH OR WITHOUT COUNSEL AND PRODUCE WITNESSES ON YOUR OWN BEHALF.</p> <p>4. YOU MAY BE LIABLE FOR REASONABLE COSTS OF THE ADMINISTRATIVE HEARING UPON A FINDING OF GUILTY.</p> <p>5. LIENS IN THE AMOUNT OF UNPAID PENALTIES CAN BE FILED AGAINST YOUR REAL OR PERSONAL PROPERTY AND MAY BE FORECLOSED.</p>



FRONT SIDE

DEPT. OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF CIVIL INFRACTIONS  
NOTICE OF INFRACTION

Issuing Administration  
A - HERA D - BRA G - OCOM  
B - IA E - BLRA  
C - SFRA F - OPLA

Date of Service

On \_\_\_\_\_ Date of Infraction Time: ☐ a.m. ☐ p.m.

At \_\_\_\_\_ Place of Infraction

Respondent's Full Name (Last, First, Middle) \_\_\_\_\_

Street \_\_\_\_\_

City, State \_\_\_\_\_ Zip Code \_\_\_\_\_

Formal ID ☐ Yes ☐ No Recidivist ☐ Yes ☐ No

Social Security No. or Tax Identification No. \_\_\_\_\_

License/Permit \_\_\_\_\_ Type \_\_\_\_\_ Number \_\_\_\_\_

You are charged with violating the District of Columbia laws set out below. You must indicate below each infraction listed whether you admit the infraction, admit the infraction with an explanation, or deny the infraction. You have the right to request a hearing.

Code	Regulation	Fine \$
Nature of Infraction _____		
<input type="checkbox"/> Admit <input type="checkbox"/> Admit with explanation <input type="checkbox"/> Deny		
Code	Regulation	Fine \$
Nature of Infraction _____		
<input type="checkbox"/> Admit <input type="checkbox"/> Admit with explanation <input type="checkbox"/> Deny		
Code	Regulation	Fine \$
Nature of Infraction _____		
<input type="checkbox"/> Admit <input type="checkbox"/> Admit with explanation <input type="checkbox"/> Deny		
Code	Regulation	Fine \$
Nature of Infraction _____		
<input type="checkbox"/> Admit <input type="checkbox"/> Admit with explanation <input type="checkbox"/> Deny		

Total fine applicable to the above infraction(s) \$ \_\_\_\_\_

**WARNING:** If you do not pay the required fine or request a hearing or an adjudication by mail (see reverse side) within 15 days of the date of service of this notice, you will be subject to the maximum penalties permitted by law, and suspension of your license/permit. The fine amount will double if payment has not been received within 15 days. The fine amount will triple if payment has not been received within 30 days. If this is not your first infraction, you will be subject to an increased fine.

I personally observed or investigated the commission of the infraction(s) noted above.

Inspector's/Investigator's Signature \_\_\_\_\_ ID No. \_\_\_\_\_

I hereby acknowledge receipt of this Notice of Infraction.

RESPONDENT'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

67-1067-4-00-1 DCI/VPD COPY

BACK SIDE

**CERTIFICATE OF SERVICE**

DISTRICT OF COLUMBIA: The undersigned states that he or she is over 18 years of age and

☐ Personally served a true copy of this notice on:  
☐ Respondent  
☐ Respondent's agent, or  
☐ A person over the age of 16, who resides or is employed at the last known home or business address of the respondent or the respondent's agent.

at: \_\_\_\_\_ Time and Date \_\_\_\_\_

\_\_\_\_\_ Name of person served

\_\_\_\_\_ Address of person served

The undersigned herein describes the person served as follows:

☐ male ☐ Over 65 yrs ☐ Balding ☐ Under 5' ☐ Under 100 lbs  
☐ female ☐ Black hair ☐ White skin ☐ 5'0"-5'3" ☐ 100-130 lbs  
☐ 16-20 yrs ☐ Brown hair ☐ Black skin ☐ 5'4"-5'8" ☐ 131-160 lbs  
☐ 21-35 yrs ☐ Blond hair ☐ Yellow skin ☐ 5'9"-6'0" ☐ 161-200 lbs  
☐ 36-50 yrs ☐ Gray hair ☐ Brown skin ☐ over 6'0" ☐ over 200 lbs  
☐ 51-65 yrs ☐ Red hair ☐ Red skin ☐ other identifying features \_\_\_\_\_

☐ Mailed a true copy of this notice to the last known home or business address of the respondent or the respondent's agent.

\_\_\_\_\_ Name of person served

\_\_\_\_\_ Address of service

☐ Posted a true copy of this notice at the site of the infraction.

The undersigned further states that he/she is an employee of the Department of Consumer and Regulatory Affairs, and knows this Certificate of Service to be true to the best of his/her knowledge.

Date \_\_\_\_\_ Signature \_\_\_\_\_

Print name \_\_\_\_\_

**REFERRAL OF POSSIBLE VIOLATIONS:**

The Investigator/Inspector, while serving this Notice of Infraction, noted possible infractions relating to the following administrations:

☐ IA ☐ OPLA ☐ BRA ☐ BLRA ☐ SFRA ☐ HERA ☐ OCOM

Possible Infraction(s) \_\_\_\_\_

# District of Columbia Field Citation

## FRONT SIDE

DEPT. OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF CIVIL INFRACTIONS  
NOTICE OF INFRACTION

Issuing Administration  
A. HERA D. BRA G. OCOM  
B. LA E. BLRA  
C. SFRA F. OPLA

Date of Service

On \_\_\_\_\_ Date of Infraction Time \_\_\_\_\_ a.m. \_\_\_\_\_ p.m.

At \_\_\_\_\_ Place of Infraction

Respondent's Full Name (Last First Middle) \_\_\_\_\_

Street \_\_\_\_\_

City State \_\_\_\_\_ Zip Code \_\_\_\_\_

Formal ID ☐ Yes ☐ No Recidivist ☐ Yes ☐ No

Social Security No. or Tax Identification No. \_\_\_\_\_

License/Permit \_\_\_\_\_ Type \_\_\_\_\_ Number \_\_\_\_\_

You are charged with violating the District of Columbia laws set out below. You must indicate below each infraction listed whether you admit the infraction, admit the infraction with an explanation, or deny the infraction. You have the right to request a hearing.

Code	Regulation	Fine \$
Nature of Infraction	<input type="checkbox"/> Admit <input type="checkbox"/> Admit with explanation <input type="checkbox"/> Deny	
Code	Regulation	Fine \$
Nature of Infraction	<input type="checkbox"/> Admit <input type="checkbox"/> Admit with explanation <input type="checkbox"/> Deny	
Code	Regulation	Fine \$
Nature of Infraction	<input type="checkbox"/> Admit <input type="checkbox"/> Admit with explanation <input type="checkbox"/> Deny	
Code	Regulation	Fine \$
Nature of Infraction	<input type="checkbox"/> Admit <input type="checkbox"/> Admit with explanation <input type="checkbox"/> Deny	

Total fine applicable to the above infraction(s) \$ \_\_\_\_\_

WARNING: If you do not pay the required fine or request a hearing or an adjudication by mail (see reverse side) within 15 days of the date of service of this notice, you will be subject to the maximum penalties permitted by law, and suspension of your license/permit. The fine amount will double if payment has not been received within 15 days. The fine amount will triple if payment has not been received within 30 days. If this is not your first infraction, you will be subject to an increased fine.

I personally observed or investigated the commission of the infraction(s) noted above.

Inspector's/Investigator's Signature \_\_\_\_\_ ID No. \_\_\_\_\_

I hereby acknowledge receipt of this Notice of Infraction.

RESPONDENT'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

INSPECTOR/ADMINISTRATION COPY

## BACK SIDE

INVESTIGATORS/INSPECTORS NOTES FOR TESTIFYING

WITNESSES

DETAILS OF VIOLATIONS

WITNESSES

DETAILS OF VIOLATIONS

# District of Columbia Field Citation

## FRONT SIDE

DEPT. OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF CIVIL INFRACTIONS  
NOTICE OF INFRACTION

IF 011126

Issuing Administration  
A ☐ HERA D ☐ BRA G ☐ OCOM  
B ☐ IA E ☐ BLRA  
C ☐ SFRA F ☐ OPLA

Date of Service \_\_\_\_\_

On \_\_\_\_\_ Date of Infraction \_\_\_\_\_ Time ☐ a.m. ☐ p.m.

At \_\_\_\_\_ Place of Infraction \_\_\_\_\_

Respondent's Full Name (Last, First, Middle) \_\_\_\_\_

Street \_\_\_\_\_

City, State \_\_\_\_\_ Zip Code \_\_\_\_\_

Formal ID ☐ Yes ☐ No Recidivist ☐ Yes ☐ No

Social Security No. or Tax Identification No. \_\_\_\_\_

License/Permit \_\_\_\_\_ Type \_\_\_\_\_ Number \_\_\_\_\_

You are charged with violating the District of Columbia laws set out below. You must indicate below each infraction listed whether you admit the infraction, admit the infraction with an explanation, or deny the infraction. You have the right to request a hearing.

Code	Regulation	Fine \$
Nature of Infraction _____	<input type="checkbox"/> Admit <input type="checkbox"/> Admit with explanation <input type="checkbox"/> Deny	
Code _____ Regulation _____ Fine \$ _____		
Nature of Infraction _____	<input type="checkbox"/> Admit <input type="checkbox"/> Admit with explanation <input type="checkbox"/> Deny	
Code _____ Regulation _____ Fine \$ _____		
Nature of Infraction _____	<input type="checkbox"/> Admit <input type="checkbox"/> Admit with explanation <input type="checkbox"/> Deny	
Code _____ Regulation _____ Fine \$ _____		
Nature of Infraction _____	<input type="checkbox"/> Admit <input type="checkbox"/> Admit with explanation <input type="checkbox"/> Deny	
Code _____ Regulation _____ Fine \$ _____		

Total fine applicable to the above infraction(s) \$ \_\_\_\_\_

WARNING: If you do not pay the required fine or request a hearing or an adjudication by mail (see reverse side) within 15 days of the date of service of this notice, you will be subject to the maximum penalties permitted by law, and suspension of your license/permit. The fine amount will double if payment has not been received within 15 days. The fine amount will triple if payment has not been received within 30 days. If this is not your first infraction, you will be subject to an increased fine.

I personally observed or investigated the commission of the infraction(s) noted above.

Inspector's/Investigator's Signature \_\_\_\_\_ ID No. \_\_\_\_\_

I hereby acknowledge receipt of this Notice of Infraction.

RESPONDENT'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

87-5676-A-00201 RESPONDENT'S COPY

## BACK SIDE

YOU ARE REQUIRED TO RESPOND TO THIS NOTICE OF INFRACTION WITHIN 15 DAYS OF THE DATE OF SERVICE TO AVOID BEING ASSESSED A PENALTY EQUAL TO THE AMOUNT OF THE ORIGINAL FINE. YOU MUST RESPOND IN ONE OF THE FOLLOWING WAYS:

### TO PAY FINE AND WAIVE YOUR RIGHT TO A HEARING:

- Check the "Admit" box under the infraction listed on the reverse side.
- Certify that the infraction has been corrected by signing below.
- Make personal check, cashier's check, certified check or money order payable to D.C. Treasurer; (no cash by mail).
- Print notice number on the check or money order.
- Enclose payment with this notice and mail to

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF CIVIL INFRACTIONS  
P.O. BOX #37140  
WASHINGTON, D.C. 20013-7200  
TELEPHONE: 347-8530

- Or make payment in person at 613 G Street, N.W., 7th Floor, between the hours of 8:30 a.m. - 4:00 p.m., Monday - Friday.

### TO ADMIT THE INFRACTION WITH AN EXPLANATION:

- Check the "Admit with Explanation" box under the infraction listed on the reverse side.
- Certify that the infraction has been corrected by signing below.

- Check the appropriate box below to request a hearing, choose one of the following methods.

☐ HEARING: To request a hearing, choose one of the following methods.

- Mail this completed notice to the Office of Civil Infractions at the above address; or
- Appear in person or by authorized representative, at the hearing office located at 613 G Street, N.W., 7th floor between the hours of 8:30 am - 4:00 pm.

☐ ADJUDICATION BY MAIL: Mail this completed notice to the Office of Civil Infractions at the above address, along with all evidence relevant to your explanation. Failure to submit sufficient evidence of mitigating circumstances may result in failure to qualify for a reduced or suspended fine.

### TO DENY THE INFRACTION:

- Check the "Deny" box under the infraction listed on the reverse side and:

☐ HEARING:

- Mail this completed notice to the Office of Civil Infractions at the above address; or
- Appear in person or by authorized representative, at the hearing office located at 613 G Street, N.W., 7th floor between the hours of 8:30 am - 4:00 pm.

- You will be scheduled for a hearing and notified of the time, date and location of the hearing.

You must complete and sign this certification:

Name (print) \_\_\_\_\_  
Street address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_


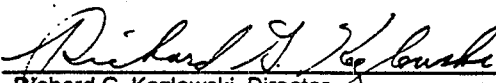
I hereby certify under penalty of law, that I have received this notice, answered as indicated on the reverse side, and corrected or made substantial efforts to correct the infraction(s) that I have admitted or admitted with an explanation.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Note: Your total fine may be reduced based on the following factors: prompt abatement, good faith, size of business, or history of previous infractions. Contact the Office of Civil Infractions at (202) 347-8530 for detailed information.



FRONT SIDE

United States Environmental Protection Agency Washington, DC 20460	
 <b>Notice of Violation</b> of Sec. 211 of the Clean Air Act	
To:	Violation Number
Operator of Retail Outlet	0226
Name	
Address <i>SAMPLE</i>	
City, State, and ZIP Code	
Re:	
Inspection of Gasoline Pump Nozzle	
Date of Inspection	Inspection Form No.
Pump Serial No.	Nozzle Gauge Number
The U.S. Environmental Protection Agency has inspected this retail outlet and determined that a gasoline pump used for dispensing leaded gasoline was equipped with a nozzle spout having a terminal end of less than 0.930 inch outside diameter. This constitutes a violation of 40 CFR sec. 80.22(f)(1), for which the Clean Air Act authorizes a penalty assessment of \$10,000 per violation per day. However, if you follow the Expedited Settlement procedures, this matter can be settled for \$200. This notice only pertains to this violation and to no other violation of the Clean Air Act or other laws or regulations.	
Signature of Inspector	
 Richard G. Kozlowski, Director Field Operations & Support Division	
EPA Form 3520-7 (9-87)	

BACK SIDE

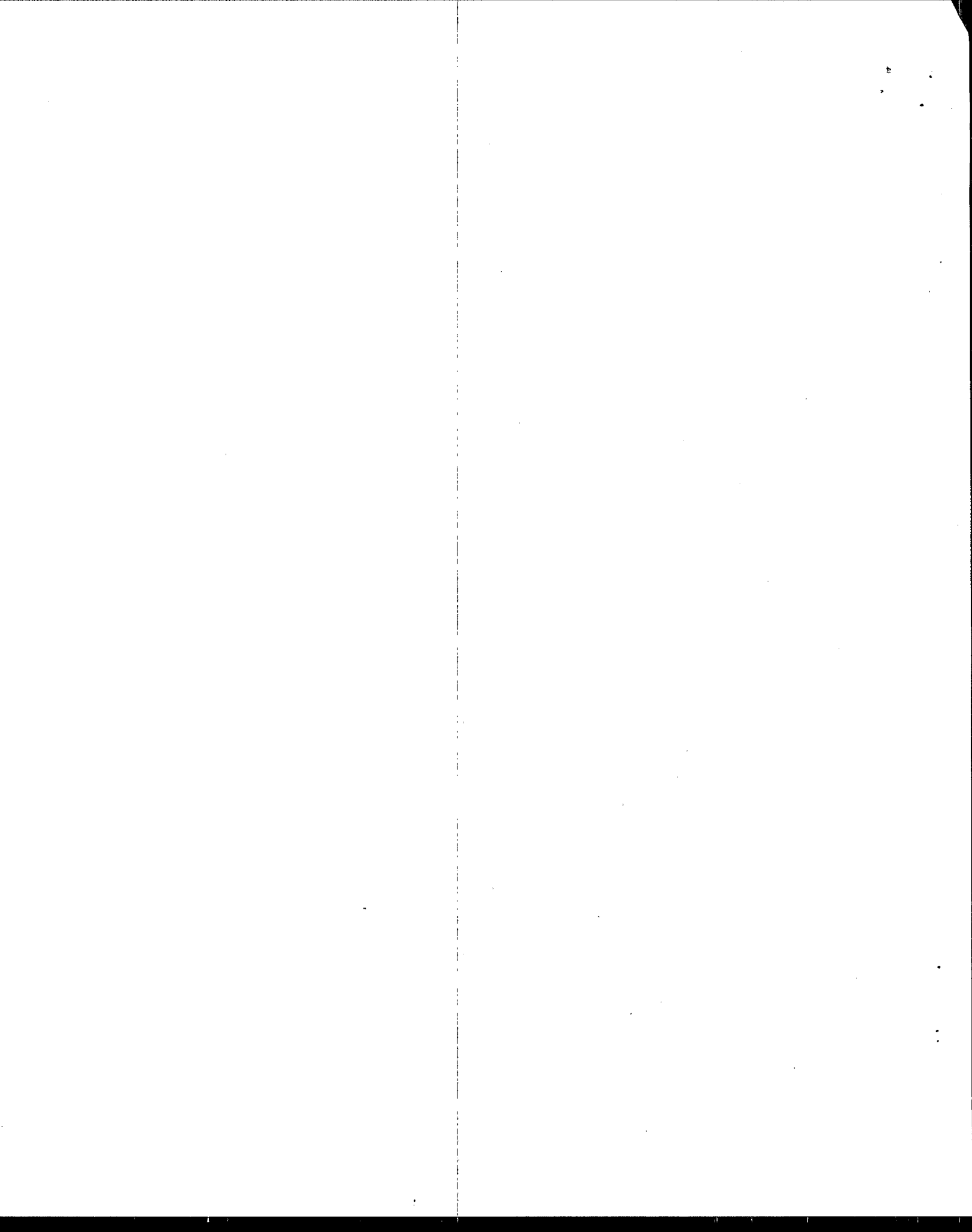
<p><b>Expedited Settlement</b></p> <p>To settle, you must immediately correct the violation, and, within twenty days of your receipt of this notice, complete the settlement agreement (below), and send the agreement together with your certified check in the amount of \$200 to:</p> <p>The Director                  Field Operations and Support Division                  U.S. EPA (EN-397F)                  401 M Street, SW                  Washington, DC 20460</p> <p>Make your certified check payable to the "United States of America," and write on the check the violation number printed on the Notice of Violation.</p> <p>If you do not agree to settle on these terms, the settlement terms acceptable to this Agency will increase substantially, and the case may be formally referred to the U.S. Department of Justice for prosecution for the civil penalty of \$10,000 per day of violation.</p> <p>If you have any questions you may contact the Eastern Field Office at (202)382-2643 or the Western Field Office at (303)234-6266.</p> <p><b>Settlement Agreement</b></p> <p>Settlement under this expedited procedure is conditioned on payment of \$200 within 20 days and correction of the violation.</p> <p>The retailer, in settlement of this violation of 40 CFR sec. 80.22(f)(1), certifies, under civil and criminal penalties for making a false submission to the United States Government, that he/she has corrected the violation, and has enclosed a certified check for \$200 in payment of the civil penalty for the violation.</p> <p>Legal or Corporate Name of Retailer</p> <table border="1"> <tr> <td>Printed Name of Person Signing</td> <td>Date Signed</td> </tr> </table> <p>Signature</p> <p>EPA Form 3520-7 (9-87) Reverse</p>	Printed Name of Person Signing	Date Signed
Printed Name of Person Signing	Date Signed	





# **Notice of Violation Environmental Control Board, City of New York**

ECB-002 (REV 1/86)		<b>ENVIRONMENTAL CONTROL BOARD CITY OF NEW YORK</b>		<b>NOTICE OF VIOLATION AND HEARING</b>		VIOLATION NO. <b>00032943 J</b>																	
FACILITY NO. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>				APPLICATION NO. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>																			
<p><b>YOU ARE REQUIRED, AND ARE HEREBY DIRECTED, TO APPEAR FOR A HEARING ON</b> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <b>at</b> <input type="text"/> <input type="text"/> <b>a.m./p.m.</b>  <b>at the Environmental Control Board, 1250 BROADWAY, NEW YORK, N.Y. 10007, 7th FL.</b>  <b>This hearing is your opportunity to answer and defend the allegations set forth below.</b>  <b>IF YOU DO NOT APPEAR, YOU WILL BE HELD IN DEFAULT AND SUBJECT TO MAXIMUM PENALTIES. READ THE INSTRUCTIONS ATTACHED.</b></p>																							
Commissioner of the Department of Environmental Protection of the City of New York, Petitioner, V.				Premises: _____ Borough: _____ Respondent _____ Street Address of Respondent _____ City, State, Zip Code _____																			
<p>Upon investigation, it has been determined by the above-named Petitioner that there is reasonable cause to believe that the above-named Respondent(s) has/have violated the following Section(s) Title 24 of the Administrative Code of the City of New York.</p>																							
<div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <p><input type="checkbox"/> Title 24 Chapter 1 (New York City Air Pollution Control Code)</p> <p><input type="checkbox"/> Section 109(b): Caused or permitted the use or operation, without first obtaining a registration, of:</p> <p>A04 <input type="checkbox"/> (3) Fuel burning equipment using No. 4 or 6 fuel oil or solid fuel; A05 <input type="checkbox"/> (4) Fuel burning equipment using gas, gasoline, No. 1 or 2 Fuel oil.</p> <p>A15 <input type="checkbox"/> Section 120 Caused or permitted the installation or alteration of equipment or apparatus without first obtaining a permit from the petitioner.</p> <p><input type="checkbox"/> Section 122(b): Caused or permitted the use or operation without first obtaining an operating certificate from petitioner, of:</p> <p>A16 <input type="checkbox"/> (1) Fuel burning equipment. A17(2) <input type="checkbox"/> Equipment used in a process. A19 <input type="checkbox"/> (4) Refuse burning equipment.</p> <p>A21 <input type="checkbox"/> Section 123(e): Caused or permitted operation, without making timely application to renew expired operating certificate.</p> <p>A09 <input type="checkbox"/> Section 113(a): Failed to have permit, operating certificate, or registration displayed in vicinity of equipment.</p> <p>A22 <input type="checkbox"/> Section 141: Caused or permitted the emission of air contaminant or water vapor from equipment requiring operating certificate or registration.</p> <p>A24 <input type="checkbox"/> Section 141: Caused or permitted the emission of air contaminant or water vapor from unregulated source.</p> <p>A25 <input type="checkbox"/> Section 142 (a)(1): Caused or permitted the emission of air contaminant: (smoke) from regulated source.            Density Observed _____ Time _____ to _____</p> <p>A26 <input type="checkbox"/> Section 142(a)(1): Caused or permitted the emission of air contaminant: (smoke) from unregulated equipment.            Density Observed _____ Time _____ to _____</p> <p>A42 <input type="checkbox"/> Section 154: Failed to submit a detailed environmental rating report.</p> <p>A43 <input type="checkbox"/> Section 155: Failed to maintain equipment requiring operating certificate or registration in good operating order.</p> <p>A44 <input type="checkbox"/> Section 155: Failed to maintain unregulated equipment in good operating order.</p> </div> <div style="width: 50%;"> <p><input type="checkbox"/> Title 24 Chapter 2 (New York City Noise Pollution Control Code)</p> <p>N05 <input type="checkbox"/> Section 218: Caused or permitted unnecessary noise to be heard or continued.</p> <p>N07 <input type="checkbox"/> Section 220: Caused or permitted to be used a sound reproduction device for commercial purposes wherein the sound therefrom could be heard upon to public street, park or place.</p> <p>N27 <input type="checkbox"/> Section 237: Operated or permitted to be operated a circulation device over 50,000 BTU's in such a manner as to exceed the allowable sound level.</p> <p>N28 <input type="checkbox"/> Section 237: Operated or permitted to be operated a circulation device less than 50,000 BTU's in such a manner as to exceed the allowable sound level.</p> </div> </div> <p>Other: Under Section    A <input type="checkbox"/> TITLE 24 CH. 1 (AIR)    N <input type="checkbox"/> TITLE 24 CH. 2 (NOISE). Section(s) _____</p> <p>Description of Violation: _____</p> <p>_____</p> <p>The above violation was observed at or about <input type="text"/> a.m.; <input type="text"/> p.m.  on the _____ day of _____, 19____</p> <p align="right">Inspector's Signature-Badge No. Squad No. Department of Environmental Protection</p> <p>Specific Equipment/Apparatus in violation: _____</p> <table border="0" style="width:100%; font-size: small;"> <tr> <td colspan="2"> <input type="checkbox"/> <b>Fuel Burning Equipment in millions of BTU/hr.</b>          Gasoline, #2 oil, or Solid Fuels  <input type="checkbox"/> Less than 2.6      <input type="checkbox"/> Less than 2.8  <input type="checkbox"/> 2.6 to less than 50      <input type="checkbox"/> 2.8 to less than 21  <input type="checkbox"/> 50 or greater      <input type="checkbox"/> 21 to less than 42             <input type="checkbox"/> 42 or greater       </td> <td colspan="2"> <input type="checkbox"/> <b>Refuse Burning Equipment, Grate Area</b>  <input type="checkbox"/> Less than 25 sq. ft.  <input type="checkbox"/> 25 to 40 sq. ft.  <input type="checkbox"/> Greater than 40 sq. ft.       </td> <td colspan="2"> <input type="checkbox"/> <b>Other than Fuel or Refuse Burning Equipment</b>  <table border="0"> <tr> <td>Emission Rate</td> <td>Env. Rating</td> </tr> <tr> <td><input type="checkbox"/> A</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/> B</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/> C</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/> D</td> <td><input type="checkbox"/></td> </tr> </table> </td> </tr> </table> <p align="center">If such violation be proven or admitted, the Respondent(s) may be subject to civil penalties for each subsection of the violation in amounts according to the Schedule set forth on the reverse side of this form for each day during which such violation continues.</p>								<input type="checkbox"/> <b>Fuel Burning Equipment in millions of BTU/hr.</b> Gasoline, #2 oil, or Solid Fuels <input type="checkbox"/> Less than 2.6 <input type="checkbox"/> Less than 2.8 <input type="checkbox"/> 2.6 to less than 50 <input type="checkbox"/> 2.8 to less than 21 <input type="checkbox"/> 50 or greater <input type="checkbox"/> 21 to less than 42 <input type="checkbox"/> 42 or greater		<input type="checkbox"/> <b>Refuse Burning Equipment, Grate Area</b> <input type="checkbox"/> Less than 25 sq. ft. <input type="checkbox"/> 25 to 40 sq. ft. <input type="checkbox"/> Greater than 40 sq. ft.		<input type="checkbox"/> <b>Other than Fuel or Refuse Burning Equipment</b> <table border="0"> <tr> <td>Emission Rate</td> <td>Env. 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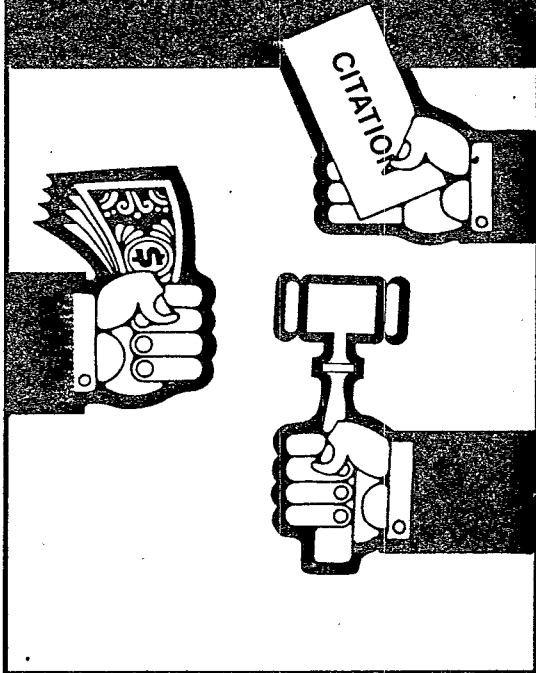


## ***Appendix D: Informational Materials***

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## THE CIVIL INFRACTIONS PROGRAM



### THE CIVIL INFRACTIONS PROGRAM

The Department of Consumer and Regulatory Affairs (DCRA) is responsible for the protection of the health, safety and welfare of the citizens of the District of Columbia through the regulation of business activities, land and building use, occupational and professional conduct and standards, rental housing and condominiums, health and social service care facilities, and the physical environment. To ensure that every citizen receives maximum protection, DCRA provides consumer education and information, handles complaints, conducts investigations, and assures compliance with the laws and regulations administered by DCRA.

There are many laws and regulations that fall under the jurisdiction of DCRA. When a specific law or regulation is not followed or is broken, the DCRA Civil Infractions Act of 1985 enables DCRA to issue tickets, collect fines, and hear cases. When a DCRA inspector observes a violation, a ticket will be issued by that inspector. This process is very similar to tickets issued by police officers to drivers who violate traffic laws.

The Civil Infractions Act is implemented by the DCRA Office of Civil Infractions (OCI). OCI provides support services to six DCRA administrations by processing tickets, collecting fines, and scheduling hearings resulting from tickets issued for violations of District of Columbia laws and regulations in the areas of Occupational and Professional Licensing, Insurance, Business Regulation, Building and Land Regulation, Housing and Environmental Regulation, and Service Facility Regulation.

Through the Civil Infractions Program, violations are processed quickly and efficiently as follows: 1) An inspector will issue a citation with a predetermined fine; 2) The violator must pay the fine within 15 days **AND CORRECT THE VIOLATION**. If this is not done, the violator will face a doubling or tripling of the fine and possible suspension or revocation of his/her license or permit; 3) The violator has the right to request a hearing before an Administrative Law Judge (ALJ) if he believes that he should not have received the ticket; and 4) The violator may appeal an unfavorable decision of the ALJ.

### OFFICE OF CIVIL INFRACTIONS

The Office of Civil Infractions has three divisions to speed along the processing of violations. They are the Violations Processing Division, the Collections Division, and the Adjudication Support Division.

#### Violations Processing Division

The Violations Processing Division provides information and assistance to the public concerning the procedures for paying civil fines and/or requesting hearings. It is also responsible for preparing all citations for loading into an automated data system. This

system gives OCI the capability to track a citation from issuance to collections. Once this is accomplished, the system is monitored to identify cases that need to be referred to the Office of Compliance for criminal prosecution or other appropriate actions.

#### **Collections Division**

The Collections Division processes all payments received by OCI to insure proper recording and collection of fines. It initiates collection proceedings for delinquent accounts and coordinates suspension or revocation of licenses with the Office of Adjudication, Office of Compliance, and the various Administrations. It also provides collection information to the Administrative Law Judge.

#### **Adjudication Support Division**

The Adjudication Support Division provides administrative support to the Office of Adjudication by: processing requests for hearings; coordinating the scheduling of hearings with the Administrative Law Judge, the Office of Compliance, Investigators, Inspectors, and respondents; receiving mail adjudication; and verifying compliance with the Administrative Law Judge's orders.

### **OFFICE OF ADJUDICATION**

The Office of Adjudication is directed by an Administrative Law Judge who directs, coordinates, supervises, and provides advisory services related to the formal adjudication of cases arising from violation of laws and regulations enforced by the Department of Consumer and Regulatory Affairs. The cases will be heard by the Office's attorney examiners and will fall into one of three major categories: the Consumer Protection, Business Regulation, and Insurance Division; the Land Use and Environmental Regulation Division; and the Occupational, Professional Licensing, Health Care, and Social Services Division, each of which is headed by a senior attorney examiner. Upon conclusion of a case, the attorney examiner is required to write a decision and order which shall include findings of fact and conclusions of law, which is appealable to appropriate appellate bodies.

### **QUESTIONS AND ANSWERS**

#### **Q. WHAT IS A CIVIL INFRACTION?**

A. A "Civil Infraction" is any act or failure to act which violates any of the laws and regulations administered by DCRA, for which a fine may be imposed under the provisions of the DCRA Civil Infractions Act of 1985.

#### **Q. WHAT KIND OF INFRACTIONS ARE COVERED BY THE ACT?**

A. Examples of the kind of infractions are: Failure to Post a Certificate of Occupancy, Failure to Renew a Home Improvement License or Pharmacy License, Operating without a Cosmetology License, Food Contamination, Selling/Serving Alcoholic Beverage After Hours, and so on.

#### **Q. WHO ISSUES THESE TICKETS?**

A. The tickets, which contain predetermined fines, are issued by Inspectors and Investigators who work for DCRA. Their job is to protect the public by ensuring that businesses comply with required laws and regulations.

#### **Q. WHAT SHOULD I DO IF I RECEIVE A TICKET?**

A. The fine must be paid within 15 calendar days from the date of service and the violation(s) must be corrected.

#### **Q. WHAT HAPPENS IF I DON'T PAY THE FINE?**

A. If the fine is not paid within 15 days of the issuance of the ticket, the fine will double. If not paid within 30 days, the fine will triple and collections proceeding will be initiated against you. In addition, you may face possible revocation or suspension of your license or permit to conduct business within the District of Columbia.

#### **Q. WHAT IF I DON'T THINK THE TICKET IS FAIR?**

A. You have the right to request a hearing before an Administrative Law Judge. This must be done within 15 days of issuance of the ticket. A hearing can be requested one of two ways:

1. Write to the hearing office at P.O. Box No. 37140, Washington, D.C. 20013. Your name, address, and citation number must be shown on all correspondence.
2. Appear in person, or by authorized representative at the hearing office located at 613 G St., N.W., 7th floor.

#### **Q. WHAT IS AN ADMINISTRATIVE LAW JUDGE?**

A. An Administrative Law Judge is one who presides at an administrative hearing, with power to administer oaths, take testimony, rule on questions of evidence and make agency determinations of fact and conclusions of law.

#### **Q. WHAT WILL HAPPEN AT THE HEARING?**

A. If you deny the alleged violation, both you and the Inspector who issued the ticket will appear before the ALJ to explain the events which resulted in the issuance of the ticket. After hearing all the testimony, the ALJ will write a decision that will either: uphold the fine; reduce the fine; or dismiss the fine.

**Q. DO I HAVE THE RIGHT TO BE REPRESENTED BY AN ATTORNEY?**

A. Yes. You have the right to be represented by an attorney of your choice; or you may represent yourself at the hearing.

**Q. WHAT HAPPENS IF I DISAGREE WITH THE DECISION OF THE ALJ?**

A. You have a right to appeal the ALJ's decision. Appeals can be made to the Board of Appeals and Review (BAR), except for those matters involving issues related to zoning, ABC licenses, professional boards, and rental accommodations. These are handled by the following: Board of Zoning Adjustment, ABC Board, appropriate board or commission, or Rental Housing Commission. All appeals must be filed within 15 calendar days from the date of the decision of the ALJ.

**Q. CAN I APPEAL BEYOND THE BOARD OF APPEALS AND REVIEW?**

A. Yes. You can appeal to the District of Columbia Court of Appeals. Judicial appeal must be filed within 30 days of service of the administrative appeal decision.

**FOR FURTHER INFORMATION CONTACT  
THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF CIVIL INFRACTIONS  
613 G STREET, N.W.  
7th FLOOR  
WASHINGTON, D.C. 20001  
TELEPHONE: (202) 347-8530**

### SAMPLE PRESS RELEASE

[Be sure you adjust the text of the following sample press release to reflect the actual specifics of your UST program and its field citation component.]

The Department of Environmental Protection (DEP) is responsible for the protection of human health and the environment in the State of \_\_\_\_\_. The Underground Storage Tank (UST) Group is responsible for regulating about \_\_\_\_\_ non-residential underground storage tanks storing petroleum. The State UST regulations, in effect since \_\_\_\_\_, were mainly designed to reduce the risk that UST releases could contaminate groundwater and affect drinking water supplies.

As part of its responsibility for enforcing and monitoring compliance with the UST regulations, the UST Group has initiated a new expedited enforcement program to both streamline its enforcement process and achieve greater compliance with the regulations. The DEP Commissioner has delegated authority to UST inspectors to issue field citations on site for clear-cut, easy to document violations at UST facilities using a simplified administrative order. Field citations resemble standard traffic tickets. The citations will serve to notify owners and operators of USTs that their facilities are out of compliance with UST regulations. The citations will carry a penalty of \$\_\_\_\_ to \$\_\_\_\_, and will specify the time period in which the violation must be corrected.

Upon receipt of the citation, the owner or operator must sign and specify whether the violation is admitted or denied. If the recipient believes that the citation has been issued in error, a hearing may be requested by following instructions included on the citation. The owner and operator has the option of representing him or herself or being represented by counsel at an administrative hearing before a State-appointed hearing officer. The State will be represented by the inspector involved in the case or another DEP official.

The field citation program will be conducted on a trial basis for a year in order to measure its success in improving the enforcement process. The trial period will also serve to familiarize the regulated community with the process. After the trial period, DEP officials will evaluate the effectiveness of the citations and consider options and ways in which to modify the program.

For more information on the program, please contact the UST Group at ( \_\_\_\_\_ ).



## **EPA OFFICE OF MOBIL SOURCES**

Jurisdiction: Nationwide, facilities that dispense fuel.

Size of Universe: Approximately 150,000 retail outlets, also fleet fueling facilities. A combination of EPA inspectors, EPA contractors, and State/local inspectors conduct approximately 15,000 inspections annually.

Types of Violations Covered by Expedited Enforcement:

Improper nozzle on fuel dispenser -- carries a \$200 penalty.

Enforcement Process: Inspector issues field citation on site or returns to office and issues short-form Notice of Violation and proposed settlement agreement through the mail. (Wording on both citations is identical).

If fine and signed agreement are not returned within 30 days, the inspector follows up with a telephone call.

Results:

Short form NOVs:

- Since 1984 several hundred issued. Fine paid and violation corrected in all but a handful of cases.
- One or two cases prosecuted annually; in the single case that went to judgement, the court ordered the violator to pay \$10,000, the full statutory penalty.
- Backlog of cases has disappeared and average time for settlement has decreased from three months to 30 days.

Field Citations:

- Since the inception of the filed citation program in late 1987, approximately 75 tickets have been issued.
- Virtually all tickets are paid within 15 to 20 days, stragglers pay upon follow-up phone call.
- There have been no referrals for prosecution.
- The number of short-form NOVs issued has decreased markedly as the use of field citations has increased.

Program Descriptions

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DADE COUNTY  
DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

Jurisdiction: County-wide

Size of Universe: The Dade county tank universe is 3,000 sites, with approximately three tanks per site. The seven field inspectors currently carry out about 1,000 inspections per year and handle the 1,200 sites.

Type of Violations Covered by Expedited Enforcement:

The minor violations covered by the field citations program are lack of or failure to renew permits, and lack of monitoring wells, both of which carry a \$50 to \$100 penalty.

Enforcement Process:

The inspector issues an information letter and permit application if the owner or operator has failed to obtain a permit, allowing 15 days to comply with the warning. If the responsible party does not comply, the inspector issues a Notice of Violation, giving the violator 15 more days to respond. If not, a field citation is issued and the violator must pay the fine and correct the violation.

If the owner or operator has failed to install monitoring wells, a Notice of Violation is issued immediately, allowing the violator 30 days to comply. If not, a field citation is issued with a fine.

Results:

- For all county health and environmental programs using civil violation notices, more than 90% of violators comply.
- Approximately 25 to 30 initial warning notices are issued a month in the underground storage tank program.
- Only about 10% of UST sites inspected are eventually issued tickets.
- In the UST program, no one has ever appealed a civil violation notice. Those involved in the program believe that this is because tank owners and operators are given time to comply and the process is meticulously documented.

PROVINCE OF ONTARIO, CANADA

Jurisdiction: Province-wide

Size of Universe: 50,000 to 60,000 tanks, with 25 inspectors who enforce many other petroleum-related regulations in addition to those concerning underground storage tanks.

Type of Violation Covered by Expedited Enforcement:

Many types of regulations are enforced by inspectors: they are covered under the Gasoline Handling Act which lists 200 different violations in all. The UST violations range from failure to report a leak to insufficient recordkeeping; fines range from \$50 to \$150.

Enforcement Process: Inspectors usually issue warnings first to the responsible party. If the violator does not respond to this notice, the inspector issues an offense notice, requiring the violator to correct a violation within 10 to 20 days and to pay a fine. Inspectors must make a follow-up visit to the site.

Results:

- For all the programs which use this process, 10 to 20 offense notices are issued per month.
- The approach has streamlined provincial enforcement, because environmental regulations can be enforced without the time-consuming court process.
- Of those responsible parties who receive a first citation, 80% plead guilty and pay the fine. The remaining cases generally comply and pay the fine after follow-ups; very few cases end up in court.
- Eventually, all violators plead guilty; the province has never lost a case.

